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ATTACHMENTS

PART 1

GENERAL PERMIT CONDITIONS

1.1 INTRODUCTION

This Part contains conditions pertaining to all hazardous waste storage facilities permitted under the New Mexico Hazardous Waste Act NMSA 1978, Sections 7-4-4-1 et. seq. (Repl. Pamp. 1993) (HWA) and the Resource Conservation and Recovery Act 42 U.S.C. Section 6901 et. seq. (RCRA).

1.2 EFFECT OF PERMIT

The Secretary of the New Mexico Environment Department (Secretary) issues this Permit to Safety-Kleen Systems Inc. (Permittee) Service Center, located in Albuquerque, New Mexico, the owner and operator, of a 12,000-gallon spent solvent underground storage tank and three container storage units (EPA I.D. Number NMD000804294). This Permit authorizes the Permittee to accept, manage, store, and transfer off-site hazardous waste at the Facility, and establishes the general and specific standards for these activities, pursuant to the New Mexico Hazardous Waste Act and the New Mexico Hazardous Waste Regulations, 20.4.1.100 NMAC et. seq.

Compliance with this permit during its term constitutes compliance, for purposes of enforcement, with 20.4.1.500 and 20.4.1.800 NMAC, which incorporate 40 CFR Parts 264 and 268, only for those management practices specifically authorized by this permit. The Permittee must also comply with 20.4.1.100, 20.4.1.200, 20.4.1.300, and 20.4.1.400 NMAC, which incorporate 40 CFR Parts 260, 261, 262, and 263, to the extent the requirements of those Sections are applicable. The Permittee must also comply with all applicable self-implementing provisions imposed by statute or rule.

Compliance with this Permit shall not constitute a defense to any order issued or any action brought under HWA Sections 74-4-10.E or 74-4-13; RCRA Sections 3008(a), 3008(h), 3013, 7002, or 7003 (42 U.S.C. 6928(a) and (h), 6934, and 6973); Sections 104, 106(a), and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA - 42 U.S.C. 9601 et. seq.), or any other law providing for protection of public health or the environment. This Permit does not convey any property rights of any sort or any exclusive privilege, nor authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations, in

accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.4 and 40 CFR 270.30(g)).

The complete Permit consists of Permit Parts 1 through 7 and Permit Attachments 1 through 12 as follows:

Part 1 - General Permit Conditions

Part 2 - General Facility Conditions

Part 3 - Storage of Hazardous Waste in Containers

Part 4 - Storage of Hazardous Waste in Tanks

Part 5 - Corrective Action

Part 6 - Subpart BB Standards for Equipment Leaks

Part 7 - Subpart CC Standards for Organic Air Emissions

Attachment 1 - Description and Design and Operation of the Facility

Attachment 2 - Authorized Wastes and Part A Application

Attachment 3 - Waste Analysis Plan

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Attachment 6 - Preparedness and Prevention

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Attachment 8 - Manifesting, Reporting, and Record Keeping

Attachment 9 - Personnel Training

Attachment 10 - Closure Plan

Attachment 11 - Corrective Action Units

Attachment 12 - Financial Assurance and Closure Cost Estimate

1.3 PERMIT ACTIONS

1.3.1 Term of Permit

This Permit shall be effective for a fixed period of ten (10) years from the effective date of issuance as specified in the

Permit certificate and shall not be extended by modification beyond the maximum duration in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.50(a) and (b)).

1.3.2 Permit Modification, Suspension and Revocation

This Permit may be modified, suspended, terminated, re-issued, or revoked for cause as specified in HWA Section 74-4-4.2 and 20.4.1.900 NMAC (incorporating 40 CFR 270.41 through 270.43). The filing of a request by the Permittee for a permit modification, suspension, termination, re-issuance, or revocation, or the notification of planned changes or anticipated noncompliance, shall not stay any permit condition, in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30(f)).

1.3.3 Permit Renewal

The Permittee shall renew this Permit by submitting an application for a new permit at least one hundred eighty (180) calendar days before the expiration date of this Permit pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.10(h) and 270.30(b)).

1.3.4 Continuation of Expiring Permit

If the Permittee has submitted a timely and complete application for renewal of this Permit as specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.10 and 40 CFR 270.13 through 270.29), this Permit shall remain in effect until the effective date of the new Permit if, through no fault of the Permittee, the Secretary has not issued a new Permit on or before the expiration date of this Permit as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.51)).

1.3.5 Scope of Permit

This Permit authorizes the storage of hazardous wastes in the three designated container storage rooms of the Facility and the 12,000-gallon spent solvent underground storage tank as defined herein, and at no other locations at the Facility.

1.4 PERMIT CONSTRUCTION

1.4.1 Citations

Whenever provisions of this Permit or of the New Mexico Hazardous Waste Management Regulations (HWMR), 20.4.1 NMAC (incorporating 40 CFR Parts 260 through 270) are cited, the citation shall include all subordinate provisions of the cited provision paragraphs of this Permit or of the HWMR. When subordinate

sections are cited, such citations shall include all subsections of the cited paragraphs.

If there is a conflict between the language of the Permit Parts and the language of the Permit Attachments, the language of the Permit Parts shall override the language in the Permit Attachments.

1.4.2 Severability

The provisions of the Permit are severable, and if any provision of this Permit, or any application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

1.5 DEFINITIONS

For purposes of this Permit, terms used herein shall have the same meanings as those in HWA, RCRA, and their implementing regulations, unless this Permit specifically provides otherwise. Where a term is not defined in HWA, RCRA, pursuant regulations, EPA guidelines or publications, or this Permit, the meaning associated with such a term shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

"Action levels" are health-based concentrations of hazardous constituents determined by the Secretary to be indicators for the protection of human health and/or the environment.

"Area of Concern (AOC)" means any discernable area that may have a release of hazardous waste or hazardous constituents, which is a solid waste management unit (SWMU) and which the Secretary determines may pose a threat to human health or the environment.

"Container Storage Units" (CSUs) means the Safety-Kleen Systems Inc. Albuquerque Service Center Container Storage Facility comprised of the East and West Container Storage Areas and the Flammable Storage Building.

"Corrective Action Management Unit" (CAMU) includes any area within the Safety-Kleen Systems Inc. Albuquerque Service Center that is designated by the Secretary under the HWA, and its regulations, for the purpose of implementing corrective action requirements. A CAMU shall only be used for the management of remediation wastes while implementing corrective measures requirements at the Facility.

"Corrective Measures" includes all corrective action necessary to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management unit at the Facility, regardless of the time at which waste was placed in the unit, as required under Section 74-4-4.2.B of the HWA and 20.4.1.500 NMAC (incorporating 40 CFR 264.101)). Corrective measures may address releases to air, soils, surface water or groundwater.

"Extent of Contamination" is defined as the horizontal and vertical area in which the concentrations of hazardous constituents in the environmental media being investigated are above detection limits or background concentrations indicative of the region, whichever is appropriate as determined by the Secretary.

"Facility" means Safety-Kleen Systems Inc. Albuquerque Service Center, located in Albuquerque, NM, including all contiguous land, and structures, other appurtenances, and improvements on the land, used for managing, accepting, and storing hazardous waste, located at 2720 Girard NE, Albuquerque, NM 87107. For the purposes of implementing any provision of the HWA, RCRA, and this Permit including, but not limited to, corrective action under 20.4.1.500 NMAC (incorporating 40 CFR 264.101), or RCRA Section 3008(h), HWA 74-4-10.E, the Facility includes all contiguous property under the control of the owner or operator seeking a permit under 20.4.1 NMAC, incorporating 40 CFR 260 through 40 CFR 270 pursuant to 20.4.1.100 NMAC (incorporating 40 CFR 260.10).

"Foreign Source" refers to hazardous waste generated outside the United States of America.

"Hazardous Constituents" are those substances listed in 20.4.200 NMAC (incorporating 40 CFR 261 Appendix VIII), and 20.4.1.500 NMAC (incorporating 40 CFR 264 Appendix IX).

"Hazardous Waste" means a hazardous waste as defined in Section 74-4-3 (I) of HWA, and 20.4.1.200 NMAC (incorporating 40 CFR 261.3).

"Interim Measures" are actions necessary to minimize or prevent the further migration of contaminants and limit actual or potential human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented.

"Off-Site Source" means a generator of hazardous waste located within the United States of America, but outside the Permittee's Facility boundary.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous waste or hazardous constituents into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous waste or hazardous constituents).

"Remediation Waste" for the purposes of this permit includes all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements. For the Facility, remediation wastes may originate only from within the Facility boundary, but may include releases beyond the Facility boundaries.

"Secretary" means the Secretary of the New Mexico Environment Department or his/her designee or authorized representative.

"Solid Waste Management Unit" (SWMU) means any discernible waste management unit or area at a RCRA facility in which solid waste has been placed at any time, and from which the Secretary determines there may be a risk of a release of hazardous constituents, regardless of whether the SWMU is or ever was intended for the management of solid or hazardous waste. Placement of solid waste includes one time and accidental events that were not remediated, as well as any unit or area at which solid waste has been routinely and systematically placed.

1.6 DUTIES AND REQUIREMENTS

1.6.1 Duty to Comply

The Permittee shall comply with all conditions in this Permit, except to the extent and for the duration such noncompliance is authorized in an emergency permit specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of HWA and/or RCRA and may subject the Permittee, its successors and assigns, officers, directors, employees, parents, or subsidiaries, to an administrative or civil enforcement action, including civil penalties and injunctive relief, under Section 74-4-10 or Section 74-4-10.1 of HWA or Sections 3008(a) and (g), 7002, or 7003 of RCRA; to permit modification, suspension, reissuance, termination, revocation, denial of a permit application modification request under Section 74-4-4.2 of HWA; to criminal fines or imprisonment under HWA Section 74-4-11 or Section 3008(d), (e), or (f) of RCRA; or to a combination of the

foregoing pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30(a)).

1.6.2 Duty to Reapply

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new Permit. The Permittee shall submit a complete application for a new Permit at least 180 calendar days before the expiration date of this Permit, unless permission for a later date has been granted by the Secretary in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.10(h) and 40 CFR 270.30(b)). The Secretary shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

1.6.3 Transfer of Permit

The Permittee shall not transfer this Permit to any person except after providing notice to and receiving approval from the Secretary. The prospective new owner or operator must file a disclosure statement with the Secretary as specified in Section 74-4-4.7 of HWA. The Secretary may require modification or revocation and re-issuance of this permit in accordance with 20.4.1.900 NMAC and 20.4.1.901 NMAC (incorporating 40 CFR 270.40(b) and 40 CFR 270.41(b)(2)).

Before transferring ownership or operation of the Facility during its active operating life or post-closure care period, the Permittee shall notify the new owner or operator in writing of the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264) and 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(3) and 40 CFR 270.40)) pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.12(c)), and of this Permit.

1.6.4 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the terms of this Permit, as provided by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(c)).

1.6.5 Duty to Mitigate

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the

environment, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(d)).

1.6.6 Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(e)).

1.6.7 Duty to Provide Information

The Permittee shall furnish, within a reasonable time, any relevant information the Secretary requests to determine whether cause exists for modifying, suspending, or revoking this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Secretary, upon request, copies of records required to be retained by this Permit pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.74(a)) and 20.4.1.900 NMAC (incorporating 40 CFR 270.30(h)).

Permit Condition 1.6.7 shall not be construed to limit, in any manner, the Secretary's authority under Section 74-4-4.3 of HWA, or Section 3007(a) of RCRA.

1.6.8 Inspection and Entry

The Permittee shall allow the Secretary, or authorized representatives, upon the presentation of credentials and other documents as may be required by law, the following entry and inspection privileges as specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.30(i)):

Permit Condition 1.6.8 shall not be construed to limit, in any manner, the Secretary's authority under Section 74-4-4.3 of HWA, or Section 3007(a) of RCRA.

1.6.8.a Entrance to premises

The Permittee shall allow the Secretary, or authorized representatives, upon the presentation of credentials and other documents as may be required by law, to enter at reasonable times

into the Permittee's premises where the regulated Facility or activity is located or conducted, or where records must be kept under the conditions of this Permit as specified in 20.4.1.900 NMAC, incorporating 40 CFR 270.30(i);

1.6.8.b Access to records

To have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

1.6.8.c Inspection

To inspect at reasonable times the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

1.6.8.d Sampling

To sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by RCRA and/or HWA, any substances or parameters, including soil, surface water, and ground water at the Facility.

1.6.9 Monitoring and Records

1.6.9.a Representative sampling

For purposes of monitoring, the Permittee shall take samples and measurements representative of the monitored activity as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(1)), and the procedures specified in Permit Condition 2.5.2.

1.6.9.b Record retention

The Permittee shall retain records of all ground water monitoring information, including all calibration and maintenance records, well logs, copies of all reports and records required by this Permit, the waste minimization certification required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73 (b)(9)), and records of all data used to complete the Permit Application for a period of at least three (3) years from the date of the sample, measurement, report, record, certification, or application as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2)). This period may be extended by request of the Secretary at any time and is automatically extended during the course of any unresolved enforcement action regarding this Facility.

1.6.9.c Monitoring records contents

In accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(3)), records of monitoring information shall include:

1. The dates, exact place, and times of sampling or measurements;

2. The names and qualifications of the individuals who performed the sampling or measurements;

3. The name and address of the laboratory or laboratories that performed the analyses;

4. The dates analyses were performed;

5. The names and qualifications of the individuals who performed the analyses;

6. The analytical techniques or methods used; and

7. The results of such analyses.

1.6.10 Reporting Requirements

1.6.10.a Reporting Planned Changes

The Permittee shall give notice to the Secretary, as soon as possible, of any planned physical alterations or additions to the permitted facility, in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(1));

1.6.10.b Reporting Anticipated Noncompliance

The Permittee shall give advance notice to the Secretary of any planned changes in the permitted Facility or in any activities, which may result in noncompliance with Permit requirements, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(2));

1.6.10.c Certification of Construction or Modification

If the Facility is modified, the Permittee shall not store hazardous waste in the modified portion of the permitted Facility, until the following conditions specified in 20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(2)), have been satisfied;

1.6.10.c.i Submittal of statement

The Permittee has submitted to the Secretary, by certified mail or hand delivery, a letter signed by the Permittee and an independent professional engineer registered in New Mexico

stating that the Facility modification meets the requirements of this Permit; and

1.6.10.c.ii Inspection by the Secretary

The Secretary has:

1. Inspected the modified or newly constructed portion of the CSUs or the 12,000-gallon spent solvent underground storage tank and finds it is in compliance with conditions of this Permit; or

2. Waived the inspection or, within fifteen (15) calendar days from the date of submission of the letter required by Permit Condition 1.6.10.c.i, has not notified the Permittee of his/her intent to inspect.

1.6.10.d Twenty-Four Hour and Subsequent Reporting

1.6.10.d.i Oral report

The Permittee shall report to the Secretary any noncompliance which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(1)(6)(i)). The report shall include the following:

1. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies; and

2. Any information of a release or discharge of hazardous waste, or of a fire or explosion from the CSUs, the 12,000-gallon spent solvent underground storage tank, or any other facility area, which could threaten the environment or human health outside the Facility.

The description of the occurrence shall include:

a. Name, address, and telephone number of the owner or operator;

b. Name, address, and telephone number of the Facility;

c. Date, time, and type of incident;

d. Name and quantity of material(s) involved;

e. The extent of injuries, if any;

f. An assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable; and

g. The estimated quantity and disposition of recovered material that resulted from the incident.

1.6.10.d.ii Written report

The Permittee shall submit a written notice within 5 calendar days from the time the Permittee becomes aware of the noncompliance pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(6)(iii)). The Secretary may waive the five-day requirement in favor of a written report within 15 days.

The written notice shall contain the following:

1. A description of the noncompliance and its cause;

2. Name, address, and telephone number of the owner or operator;

3. Name, address, and telephone number of the Facility;

4. The period of the occurrence including exact date and time, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue;

5. Name and quantity of materials involved;

6. The extent of injuries, if any;

7. An assessment of actual or potential hazards to the environment and human health outside the Facility, where this is applicable;

8. Estimated quantity and disposition of recovered material that resulted from the incident; and

9. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

1.6.11 Contingency Plan Implementation

If the Contingency Plan provided in Permit Attachment 7 is implemented, the Permittee shall comply with the reporting requirements required by 20.4.1.500 NMAC (incorporating 40 CFR 264.56(j)).

1.6.12 Corrective Action

Corrective action required pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.101) shall continue under this Permit for any period necessary to comply with the requirements specified in Part V of this Permit.

1.6.13 Other Noncompliance

The Permittee shall report all other instances of noncompliance not otherwise required to be reported under this Permit at the time monitoring reports are submitted. The reports shall contain the information listed in Permit Condition 1.6.10.d.ii, as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(10)).

1.6.14 Other Information

Whenever the Permittee becomes aware that he/she failed to submit any relevant facts in the Permit Application, or submitted incorrect information in the Permit Application or in any report to the Secretary, the Permittee shall promptly submit such facts or information in writing to the Secretary as required by the requirements of 20.4.1.900 NMAC (incorporating 40 CFR 270.30(l)(11)).

1.6.15 Waiver of Defense.

In any judicial action brought in the United States District Court for the District of New Mexico under RCRA (or under the HWA), the Permittee waives all objections and defenses it may have to the jurisdiction of such Federal Court or to venue in such Federal District.

1.6.16 Admissibility of Data

In any administrative or judicial action to enforce a condition of this Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Permit.

1.7 SIGNATORY REQUIREMENT

The Permittee shall sign and certify all applications, reports, or information submitted to or requested by the Secretary or required by this Permit as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.11 and 270.30(k)).

1.8 REPORTS, NOTIFICATIONS, AND SUBMISSIONS TO THE NEW MEXICO ENVIRONMENT DEPARTMENT

The Permittee shall submit by certified mail or hand delivery, all reports, notifications, or other submissions required by this Permit to be sent or given to the NMED. The submissions should be sent by certified mail or hand delivered to:

Manager

Permits Management Program

Hazardous Waste Bureau

New Mexico Environment Department

2905 Rodeo Park Drive East, Building 1

Santa Fe, New Mexico 87505-6303

Telephone Number: (505) 428-2500

Facsimile Number: (505) 428-2567

1.9 CONFIDENTIAL INFORMATION

The Permittee may claim confidentiality for any information required to be submitted by this Permit, to the extent authorized by Section 74-4-4.3 (D) of the HWA and 20.4.1.900 NMAC (incorporating 40 CFR 270.12).

1.10 DOCUMENTS TO BE MAINTAINED AT THE FACILITY

The Permittee shall maintain at the Facility, until completion of closure as specified in Permit Attachment 10, the following documents and all amendments, revisions and modifications to these documents:

1. *Waste Analysis Plan*, contained in Attachment 3, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.13(b)) and this Permit.

2. *Inspection Plan and Schedule*, contained in Attachment 5, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(b)(2)) and this Permit.

3. *Personnel Training* documents and records, contained in Attachment 9, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(d)) and this Permit.

4. *Contingency Plan*, contained in Attachment 7, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.53(a)) and this Permit, and including summary reports and details of all incidents that require implementation of the Contingency Plan as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.56(j)).

5. *Operating Record*, contained in Attachment 8, *Manifesting, Reporting, and Record Keeping*, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73) and this Permit.

6. *Closure Plan*, contained in Attachment 10, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.112(a)) and this Permit.

7. Annually adjusted closure cost estimate as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.142(b) and (d)), and this Permit.

8. The names, addresses, and phone numbers of the Emergency Coordinator (EC) and all persons designated as alternate EC, as required by Permit Condition 2.13.4 and as shown in Attachment 7-3 of Permit Attachment 7, *Contingency Plan.*

9. A list of all equipment, as contained in the Permit Attachment 7-2, *Emergency Equipment List*, which must be regulated as required by 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart BB, and Subpart CC).

10. A signed duplicate copy of the liability policy required under Permit Condition 2.19.

PART 2

GENERAL FACILITY CONDITIONS

2.1 INTRODUCTION

This Part sets forth the standards that every owner/operator of a Hazardous Waste Storage Facility is required to meet, in order to manage and store hazardous waste in the three CSUs and in the 12,000-gallon spent solvent underground storage tank in a manner protective of human health and the environment.

2.2 OPERATION AND MAINTENANCE OF THE FACILITY

The Permittee shall maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste or constituents to air, soil, ground water, or surface water, which could threaten human health, or the environment as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.31).

2.2.1 Hazardous Waste From Off-site Sources

The Permittee shall receive off-site hazardous waste in compliance with the requirements and conditions specified in this Permit. The Permittee shall only receive the hazardous waste listed in Permit Attachment 2, *Authorized Wastes and Part A Application*, for management and storage at the Facility.

2.3 REQUIRED NOTICES

2.3.1 Hazardous Waste Imports

The Permittee shall not accept wastes from a Foreign Source without prior authorization from the U. S. Environmental Protection Agency (EPA). The Permittee shall include the authorization in Facility operating record, and send a copy of the authorization document to the New Mexico Environment Department.

2.3.2 Required Notification To Off-Site Sources

Before the Permittee receives hazardous waste from an Off-Site Source for the first time, the Permittee shall inform the generator in writing that the Permittee has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The Permittee shall keep a copy of this written notice as part of the operating record as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.12(b)).

2.4 LAND DISPOSAL REGULATIONS

2.4.1 Prohibitions

The Permittee shall not place in any land disposal unit the wastes specified in RCRA Section 3004 unless the Secretary has established disposal or treatment standards for the hazardous waste and the Permittee meets such standards and other applicable conditions of this Permit.

The Permittee is prohibited, pursuant to 20.4.1.800 NMAC (incorporating 40 CFR 268.50(a)), from storing hazardous waste restricted from land disposal pursuant to 20.4.1.800 NMAC (incorporating 40 CFR part 268 Subpart C) unless the following conditions are met:

1. The Permittee stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal;

2. The Permittee stores such wastes in tanks, containers, or in the CSUs solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal pursuant to 20.4.1.800 NMAC (incorporating 40 CFR 268.50(a)(2)), and;

    a. Each container is clearly marked to identity its contents and the date each period of accumulation begins;

    b. Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information is recorded and maintained in the Operating Record pursuant to 20.4.1.800 NMAC (incorporating 40 CFR 268.50(a)(2)(ii)).

The Permittee may store such wastes for up to one year unless the Secretary can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal as required 20.4.1.800 NMAC (incorporating 40 CFR 268.50(b)).

The Permittee may store such wastes beyond one year, however the Permittee bears the burden of proving that such storage was

solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal as required 20.4.1.800 NMAC (incorporating 40 CFR 268.50(c)).

The prohibition of 20.4.1.800 NMAC (incorporating 40 CFR 268.50(a)), does not apply to hazardous wastes that meet the treatment standards specified under 40 CFR 268.41, 40 CFR 268.42, and 40 CFR 268.43, or the treatment standards specified under the variance in 40 CFR 268.44, or where treatment standards have not been specified, or is in compliance with the applicable prohibitions specified in 40 CFR 268.32, or RCRA Section 3004 in accordance with 20.4.1.800 NMAC (incorporating 40 CFR 268.50(e)).

2.4.2 Liquid Hazardous Wastes Containing Polychlorinated Biphenyls (PCBs)

The Permittee is prohibited from managing or storing liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 parts per million (ppm). Hazardous wastes with PCB concentrations in excess of 50 ppm must be regulated by a Toxic Substances Control Act (TSCA) permit from the United States Environmental Protection Agency (EPA), and must be stored at the Facility as required by the requirements of 40 CFR 761.65(b), and must be removed from storage and treated or disposed of within one year of the date when such wastes are first placed into storage as required by 20.4.1.800 NMAC (incorporating 40 CFR 268.50(f)). A copy of the TSCA Permit issued by the EPA for the storage of PCBs must be submitted to the New Mexico Environment Department before acceptance of such waste at the facility pursuant to 20.4.1.800 NMAC (incorporating 40 CFR 268.50).

2.4.3 Waste Minimization

The Permittee shall submit a certified plan in writing annually by December 1, for the previous year ending September 30, indicating that:

The Permittee has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the Permittee's Facility operation to the degree determined to be economically practicable; and the proposed method of treatment, storage, or disposal is the most practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment. This certified plan must address the items below:

1. Any written policy or statement that outlines goals, objectives, and/or methods for source reduction and recycling of hazardous waste at the Facility;

2. Any employee training or incentive programs designed to identify and implement source reduction and recycling opportunities;

3. Any source reduction and/or recycling measures implemented in the last five years or planned for the near future;

4. An itemized list of the dollar amounts of capital expenditures and operating costs devoted to source reduction and recycling of hazardous waste;

5. Factors that have prevented implementation of source reduction and/or recycling;

6. Sources of information on source reduction and/or recycling received at the Facility (e.g., local government, trade associations, suppliers, etc.);

7. An investigation of additional waste minimization efforts, which could be implemented at the Facility. This investigation shall analyze the potential for reducing the quantity and toxicity of each waste stream through production reformulation, recycling, and all other appropriate means. The analysis shall include an assessment of the technical feasibility, cost and potential waste reduction for each option;

   a. The certified plan shall also include:

      1. A flow chart or matrix detailing all hazardous wastes the Permittee's Facility produces, by quantity and type and by building/area;

      2. A written determination demonstrating the need to use those processes which produce a particular hazardous waste due to a lack of alternative processes, available technology, or available alternative processes that would produce less volume of hazardous waste;

      3. A written determination that shall demonstrate the applicability or inapplicability of the following waste minimization techniques:

When removing coating from parts (stripping wastes) before applying a new coat, avoid the use of:

1. Excess thinner;

2. Abrasive media stripping;

3. Bead-blasting for paint stripping; and

4. Clean coating equipment after each use.

When using solvents (spent solvent wastes) for parts cleaning operations:

1. The use of water-soluble cutting fluids instead of oil-based fluids;

2. The use of bead-blasting for paint-stripping;

3. The prevention of cross-contamination;

4. The use of peel coatings in place of protective oils; and

5. Reduce the number of different solvents.

A written determination that shall demonstrate the applicability/inapplicability of a continued annual reduction of hazardous waste streams on the Permittee's Facility from the milestone date of November 2001. The milestone date represents a 50% reduction from the effective date of the modified operating permit.

The Permittee shall include this certified plan in the operating record.

2.5 GENERAL WASTE CHARACTERIZATION

2.5.1 General Requirements

The Permittee shall not store or treat any hazardous waste at a permitted hazardous waste management unit at the Facility unless the hazardous waste has been fully characterized as specified by the characterization requirements of this Permit, including the Waste Analysis Plan (WAP) located in Permit Attachment 3 to demonstrate compliance with all waste characterization requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264), specifically 40 CFR 264.13, 20.4.1.800 NMAC (incorporating 40 CFR Part 268), particularly 40 CFR 268.7 and 40 CFR 268.9.

The waste characterization requirements of this Permit do not apply to wastes stored at the Facility on a transfer basis (i.e., for less than ten (10) days) as described at 20.4.1.400 NMAC (incorporating 40 CFR 263.12). The containers shall be inspected

to ensure they are in good condition and shall be segregated from other profiled wastes, clearly identified as 10-day wastes along with the date of arrival.

The following types of waste shall not be accepted for management at the Facility:

1. DOT forbidden, Class 1, Division 1.1, 1.2, 1.3, and 1.4 explosives;

2. Pyrophoric wastes; and

3. Radioactive waste.

Waste characterization requirements are specified both in this Permit Section and the WAP. If there is a conflict between the conditions in this Permit Section and the conditions in the WAP, the conditions in this Permit Section shall supersede the conflicting conditions in the WAP.

The Permittee shall ensure the following hazardous waste characterization information is obtained at the waste's point of generation in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.9(c) and 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts BB and C)):

1. All applicable EPA Hazardous Waste Numbers (i.e., waste codes) in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.13) and 20.4.1.800 NMAC (incorporating 40 CFR 268.9(a));

2. Determine whether the waste meets the applicable Land Disposal Restriction (LDR) treatment standards specified at 20.4.1.800 NMAC (incorporating 40 CFR 268.40, 40 CFR 268.45, and 40 CFR 268.49) in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7(a) and (b)). To determine the applicable treatment standard(s) for each listed and/or characteristic waste code, the Permittee must obtain the following waste characterization information:

    a. Identify all applicable hazardous constituents as defined in 20.4.1.100 NMAC (incorporating 40 CFR 260.10) or underlying hazardous constituents (UHC), as defined in 20.4.1.800 NMAC (incorporating 40 CFR 268.2(i)), in the waste or in the treatewd residue, in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7 and 40 CFR 268.9 respectively), unless the waste will be treated and monitored for all constituents. The

Permittee shall specifically address all inorganic constituents listed on the table of Universal Treatment Standards at 40 CFR 268.48;

b. Identify the waste's treatability category (i.e., wastewater or non-wastewater) as defined at 20.4.1.800 NMAC (incorporating 40 CFR 268.2(d) and (f));

c. Whether the waste belongs to a treatment/regulatory subcategory as identified in table "Treatment Standards for Hazardous Wastes" at 20.4.1.800 NMAC (incorporating 40 CFR 268.40);

d. For hazardous debris as defined at 20.4.1.800 NMAC (incorporating 40 CFR 268.2(g)) to be treated with the alternative treatment technologies provided by 20.4.1.800 NMAC (incorporating 40 CFR 268.45), identify the contaminants subject to treatment as described at 20.4.1.800 NMAC (incorporating 40 CFR 268.45(b));

e. For contaminated soil subject to LDRs as provided in 20.4.1.800 NMAC (incorporating 40 CFR 268.49(a)), identify the constituents subject to treatment as described in 20.4.1.800 NMAC (incorporating 40 CFR 268.49(d)).

3. Whether air emission requirements in 20.4.1.500 NMAC (incorporating 40 CFR Part 264 Subpart BB) apply to a waste managed in equipment, in compliance 40 CFR subpart BB. This determination shall conform to Permit Condition 2.5.6.a; and

4. Whether air emission requirements in 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart CC) apply to a waste managed in a tank or container, in compliance with 40 CFR 264.1082. This determination shall conform to Permit Condition 2.5.6.b.

The Permittee shall characterize all hazardous wastes, prior to placement in a storage unit at the Facility, to determine the following in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.13(a)(1)):

1. Whether the waste is listed as an authorized waste in Permit Attachment 2, *Authorized Wastes and Part A Application*, and is not otherwise prohibited by the Permit;

2. The waste characteristics necessary to prevent the mixing or placing of incompatible wastes in the same container or in unacceptable proximity in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.17 and 40 CFR 264.177), or in a tank system in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.199). The Permittee shall characterize the waste sufficiently to prevent the impairment of containers by associated wastes in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.172), and to prevent the impairment of secondary containment systems by associated wastes in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.193(c)(1));

3. Characterization sufficient to prevent accidental ignition or reaction of ignitable or reactive wastes in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.17), in containers in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.177)), and tank systems in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.198); and

4. Whether the waste contains free liquids, as defined at 20.4.1.500 NMAC (incorporating 40 CFR 260.10 and 40 CFR 261.7(b)(1)).

2.5.2 Acceptable Knowledge

The Permittee shall obtain the waste characterization information required under Permit Section 2.5.1 above by real-time sampling and analysis, and/or by use of Acceptable Knowledge (AK). Acceptable Knowledge is defined in U.S. EPA's *Waste Analysis at Facilities that Generate, Treat and Dispose of Hazardous Wastes* (OSWER 9938.4-03, April 1994) as process knowledge and prior sampling data that may or may not conform to RCRA. Sampling and analysis is the preferred method, and the Permittee shall obtain characterization by sampling and analysis whenever feasible.

Acceptable Knowledge may be used as the sole method to characterize waste only when the waste is from processes that are well documented with supporting information that address all characterization requirements of this Permit, including the requirement to determine the LDR status of the waste as specified at Permit Condition 2.5.1, or if there is prior sampling and analysis data with documentation that demonstrates conformance to the sampling and analysis requirements of this Permit. Acceptable Knowledge shall be considered a suitable waste characterization method for waste that is an unused, commercial chemical product, reagent, or chemical of known physical and chemical constituents, for example is a P or U-listed EPA

Hazardous Waste Number under 20.4.1.200 NMAC (incorporating 40 CFR 261.33), and the waste is documented by a packaging label, a Material Safety Data Sheet, or equivalent information supplied by the manufacturer identifying the chemical content of the waste.

For treated wastes, hazardous constituents shall be identified utilizing current sampling and analysis (i.e., acceptable knowledge is not permitted) in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7(b)).

2.5.2.a Acceptable Knowledge Documentation

The Permittee shall maintain documentation supporting the use of AK for each waste stream including all specific AK documentation assembled and used in the AK process, whether or not it supports the decision to use AK. This AK documentation shall be used to generate an AK Summary Report for each waste stream that shall be maintained in the Facility Operating Record in accordance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7(a)(6)) and 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(3)).

For each waste stream, the Permittee shall maintain in the Operating Record, at a minimum, the following information supporting the use of process knowledge in the process knowledge documentation:

1. The location where the waste stream is generated;

2. Waste stream volume and time period of generation;

3. Description of the waste generating process; and

4. All material inputs or other information that identifies the chemical content and physical form of the waste stream.

2.5.3 Waste Sampling

The Permittee shall establish and utilize a Sampling and Analysis Plan (SAP) for each waste stream undergoing sampling. The SAP shall identify the appropriate sampling methods to characterize the waste stream in accordance with Permit Condition 2.5.1. The Permittee shall maintain the SAP in the specific waste's characterization documentation and shall document SAP compliance in the Facility's Operating Record for a minimum of three years from the date the waste was last stored (or treated).

The SAP shall identify the sample containers, preservation techniques, and holding times for each waste sampled. The SAP must conform to the most recent version of *Test Methods for*

Evaluating Solid Waste, Physical/Chemical Methods, (U.S. EPA Publication SW-846) Chapter 9, *Sampling Plan*. The SAP must ensure collection of a representative sample of wastes by means that preserve its original physical form and composition and ensure prevention of contamination or changes in concentration of the constituents to be analyzed. The SAP shall ensure sample collection meets the quality assurance objectives (QAO's) required under Permit Section 2.5.5. The number of samples of each waste shall be sufficient to demonstrate that the upper limit of the confidence interval for the population mean is less than the applicable regulatory threshold, in accordance with SW-846.

The Secretary may reject any data if it is determined to be unreliable for any reason.

2.5.4 Laboratory Analysis

The Permittee shall establish and utilize a Sampling and Analysis Plan (SAP) for each waste stream undergoing analysis. The SAP shall identify the appropriate laboratory analytical methods to characterize the waste stream in accordance with Permit Condition 2.5.1. The Permittee shall perform or obtain laboratory analysis of wastes in accordance with the conditions of this Permit Section, the WAP, and the SAP. The SAP shall identify the appropriate laboratory analytical methods, analytical detection limits, and analytical reporting limits. The Permittee shall maintain the SAP in the specific waste's characterization documentation and in the Facility's Operating Record.

If the Permittee wishes to use an analytical method other than that identified in the WAP, the Permittee shall submit a petition to use the alternative analytical method to NMED for its approval in accordance with 20.4.1.100 NMAC (incorporation 40 CFR 260.21).

If the Permittee uses an independent contract laboratory to perform analyses, the Permittee shall inform the laboratory in writing that it must operate under the waste analysis conditions set forth in this Permit.

When using laboratory analysis as part of a hazardous waste determination, the Permittee shall require the laboratory to report concentrations for all hazardous constituents listed at 20.4.1.800 NMAC (incorporating 40 CFR 268.48, Table of Universal Treatment Standards), that the analytical test method is capable of measuring. When using laboratory analysis to demonstrate that the waste meets its applicable LDR treatment standard concentrations specified at 20.4.1.800 NMAC (incorporating 40 CFR 268.40, Treatment Standards for Hazardous Wastes), in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7(a) and (b)), the

Permittee shall demonstrate that analytical method detection limits (MDL's) are not higher than the treatment standard.

2.5.5 Quality Assurance (QA)/ Quality Control (QC)

The Permittee shall perform and record all waste characterization QA/QC procedures in accordance with SW-846 for data used to support waste characterizations required under this Permit Section. The statistical concepts of waste characterization precision, accuracy, completeness, comparability, and representativeness, as described at SW-846, shall be addressed. The Permittee shall maintain a record of all QA/QC determinations in a manner traceable to specific wastes in the Facility Operating Record.

When performing waste sampling required under this Permit Section, the Permittee shall use the applicable sample collection QA/QC procedures specified at SW-846, Chapter 1, Section 3.4, *Field QA and QC Requirements*, including, but not limited to, those dealing with equipment preparation and field equipment maintenance, calibration, and cleaning. The Permittee shall identify and perform the appropriate number of control samples associated with each sample collected, for example; trip and field blanks, field duplicates, and field spikes.

When performing laboratory analysis required under this Permit Section, the Permittee shall analyze method blanks, laboratory duplicates, and laboratory control samples to assess the quality of the data resulting from laboratory analytical programs.

The Permittee shall ensure, prior to placement of a waste in a storage or treatment unit at the Facility, that all waste characterization information is accurate by making the following determinations:

1. Whether the waste was characterized at the point of generation in compliance with Permit Condition 2.5.1, 20.4.1.800 NMAC (incorporating 40 CFR 268.9(c)), and 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts BB and CC));

2. Whether routinely generated wastes are re-characterized to ensure the waste's characterization is accurate and up to date in compliance with Permit Condition 2.5.5.a, *Characterization Re-evaluation Frequency*, and 20.4.1.500 NMAC (incorporating 40 CFR 264.13(a)(3));

3. Whether Facility personnel who perform waste characterization at the point of generation have appropriately identified when the process or operation

generating routinely generated wastes has changed in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.13(a)(3)(i)); and

4. Whether Facility personnel, including personnel who perform waste characterization at the point of generation, are trained in the applicable waste characterization requirements as required by 20.4.1.500 (incorporating 40 CFR 264.16)).

2.5.5.a Characterization Re-Evaluation Frequency

The Permittee shall re-evaluate the characterization of routinely generated wastes to ensure that the characterization remains accurate and up to date for subsequent batches of waste, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.13(b)(4)). The results of the re-evaluation shall be thoroughly documented and placed in the operating record for a minimum of three years from the date the waste was last stored (or treated).

The Permittee shall perform re-evaluation of a waste in accordance with the following minimum requirements:

1. Annually to verify the accuracy of initial characterization results achieved. For wastes originally characterized through sampling and analysis, re-evaluation shall be achieved using the same sampling and analysis methodologies used in the initial analysis. For wastes characterized through AK, re-evaluation may be achieved through a review of AK information;

2. When there is a change in waste-generating processes. Any information that indicates a change in the process that generates the waste and may affect the waste shall cause the waste to be re-characterized; and

3. When the Permittee is notified by an off-site facility receiving hazardous waste from the Facility that the characterization of the waste received at the receiving facility does not match a pre-approved waste analysis certification or accompanying waste manifest or shipping paper. The Permittee shall notify NMED within 24 hours of their receipt of such a discrepancy notice from a receiving facility.

Wastes listed at 20.4.1.200 NMAC (incorporating 40 CFR 261.31, P and U listings) and for which the Permittee possesses an MSDS or equivalent information from the manufacturer identifying chemical

content are exempt from the re-evaluation requirements of this Permit Condition.

2.5.6 Air Emissions

The Permittee shall submit to NMED within three months of the effective date of this Permit a list of all locations at the Facility subject to the air emission control requirements at 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subparts BB and CC). The Permittee shall record the results of air emission waste characterization in the Facility Operating Record.

2.5.6.a Wastes Managed in Equipment

If the Permittee manages hazardous wastes at the Facility in equipment subject to the requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart BB), the Permittee shall characterize that waste in compliance with the requirements of this Permit Section. That characterization shall determine whether the equipment is in "light" or "heavy liquid" service or in "gas/vapor" service, as defined at 20.4.1.500 NMAC (incorporating 40 CFR 264.1031 and 264.1063(h)), and determine whether the organic concentration of the waste equals or exceed ten percent by weight, using one of the methods specified at 20.4.1.500 NMAC (incorporating 40 CFR 264.1063(d)). The Permittee shall use samples in making this concentration determination that are representative of the highest total organic content hazardous waste expected to contact the equipment, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1063(g)).

2.5.6.b Air Emissions from Tanks and Containers

If the Permittee manages hazardous waste at the Facility in tanks or containers subject to the requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart CC), the Permittee shall characterize that waste to determine whether it has an average volatile organic (VO) concentration at the point of point of generation of less than 500 parts per million by weight (ppmw), in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1)). The average VO concentration shall be determined using the procedures specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.1083(a)). The Permittee shall review and update this waste characterization at least once every 12 months following the date of the initial determination for the wastes entering the unit subject to this Permit Condition.

The Permittee shall not be required to determine the volatile organic concentration of hazardous wastes in containers for the purpose of complying with this Permit Condition if the Permittee

controls air pollution emissions from *all* hazardous waste containers in accordance with the container construction specifications and operation requirements at 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(b)).

2.5.7 Wastes Received from Off-Site

The Permittee shall obtain from the off-site facility, a detailed chemical and physical analysis of any hazardous waste received at the Facility, in compliance with the Waste Analysis Plan located in Permit Attachment 3, and 20.4.1.500 NMAC (incorporating 40 CFR 264.13(c)). This characterization may be in the form of AK if all applicable waste characterization requirements specified in this Permit Section are met and documented.

The Permittee shall physically examine the shipment of waste from the off-site facility at the time of acceptance for correct documentation, including appropriate waste container identification and labeling. The Permittee shall not accept at the Facility a hazardous waste shipment from an off-site facility without Uniform Hazardous Waste Manifests and LDR Notification Forms, as applicable. If discrepancies are found, the Permittee shall notify NMED of the discrepancy within five days, and shall return the waste to the off-site facility within 90 days, unless the off-site facility provides acceptable resolution to the discrepancy within 90 days after receipt of the waste at the Facility.

2.5.8 Waste Shipped to an Off-Site Facility

Prior to off-Facility shipment of hazardous waste, the Permittee shall comply with all generator standards in 20.4.1.300 NMAC (incorporating 40 CFR Part 262), in compliance with 20.4.1.300 NMAC (incorporating 40 CFR 262.10(h)) and 20.4.1.500 NMAC (incorporating 40 CFR 264.71(c)), including the waste characterization necessary to facilitate appropriate packaging for transportation, including the U.S. DOT Proper Shipping Name, Hazard Class, an ID Number for each waste.

2.5.9 Treated Waste Requirements

The Permittee shall characterize treatment-derived wastes by determining whether the waste is a hazardous waste in compliance with the requirements of Permit Section 2.5 and in compliance with the notification and record keeping requirements specified at 20.4.1.800 NMAC (incorporating 40 CFR 268.7(b)(3)(ii), *Treatment Facility Paperwork Requirements Table*, Requirement #1), unless otherwise specified below.

Treatment-derived wastes, including wastes that are de-characterized and are no longer hazardous, shall be characterized by determining whether the waste meets the applicable Land Disposal Restriction (LDR) treatment standards specified at 20.4.1.800 NMAC (incorporating 40 CFR 268.40, 268.45, and 268.49) in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7(b)). This characterization shall include the determination of the existence within the waste of any of the constituents of concern for F001-F005, and F039, in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7(b)(3)(ii)), and underlying hazardous constituents in characteristic wastes as defined at 20.4.1.800 NMAC (incorporating 40 CFR 268.2), unless the waste will be treated and monitored for all constituents, in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7(b)(3)(ii)). Treatment-derived waste characterization shall be performed by testing wastes in accordance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7 (b)(1) and (b)(2)).

2.5.10 Remediation Wastes

The Permittee shall characterize remediation waste, as defined at 20.4.1.100 NMAC (incorporating 40 CFR 260.10), in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1(j)). The Permittee shall characterize remediation waste, including contaminated soil, in compliance with all waste characterization requirements in this Permit Section 2.5, including, but not limited to; a hazardous waste determination, the identification of all applicable hazardous waste codes, and LDR status determination.

The Permittee shall obtain, at a minimum, the following information when characterizing remediation hazardous waste; the origin of the waste and how it was subsequently managed, the time and circumstances of the release that created the waste, and any investigation or other reports (e.g., RCRA Facility Investigation or SWMU Reports) describing the release.

2.5.11 Containerized Waste

The Permittee shall characterize hazardous wastes placed inside containers, including overpacked drums, to ensure that the wastes do not react dangerously with, decompose, or ignite sorbent material in the container, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.316(c)), and to ensure that the wastes are not incompatible or reactive, in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.316(d)) and 264.317(e)). The Permittee shall characterize laboratory packs if they are intended to undergo the alternative treatment standards at 40 CFR 268.42 (c), as to whether they contain any of the prohibited hazardous wastes (i.e., EPA Hazardous Waste Codes specified at 40 CFR Part 268 Appendix IV).

2.5.12 Impermissible Dilution

The Permittee shall not dilute a restricted waste, or the residue from treatment of a restricted waste as a substitute for treatment in compliance with 20.4.1.800 (incorporating 40 CFR 268.3). Dilution to avoid an applicable treatment standard includes, but is not limited to, the addition of solid waste to reduce a hazardous constituent's concentration, and an ineffective treatment method that does not destroy, remove, or permanently immobilize hazardous constituents. Aggregating or mixing wastes as part of a legitimate treatment process are not considered impermissible dilution for purposes of this Permit Condition.

2.5.13 Waste Characterization Records

The Permittee shall record and maintain in the Facility Operating Record the results of waste analysis and waste determinations performed as specified in this Permit Section in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(3),(7),(10), (11),(12),(15), and (16)), and copies of the notification and certification statements required at Permit Condition 2.5.14. The requirements of this Permit Condition apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 40 CFR 261.2 through 261.6, or exempted from Subtitle C regulation, subsequent to the point of generation, in accordance with 20.4.1.800 (incorporating 40 CFR 268.7(a)(8)). The Permittee shall maintain records of the LDR status determination for all wastes in accordance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7(a)(6)).

2.5.14 Notification and Certification

The Permittee shall provide the notification and certification statements associated with the storage of hazardous wastes in compliance with 20.4.1.800 NMAC (incorporating 40 CFR 268.7 and 268.9).

2.5.15 Generator Certification

The Permittee shall obtain a generator's signature on a certification for each small and large quantity generator pickup of parts washer solvent, immersion cleaner, or paint gun cleaner to be stored at the Facility under this Permit and maintain the certification in the Facility Operating Record. The certification shall contain the following wording:

"The Generator identified on the attached manifest number [insert manifest number] (herein after the "Generator") certifies under

penalty of law that the Generator has not mixed the solvent identified in the attached manifest with other material, that the Generator has not introduced any substances in the solvent which is regulated as hazardous waste or which contains polychlorinated biphenyls (PCBs), and that the Generator has not otherwise caused the alteration or the characteristics or components of the solvents."

Waste Characterization Documentation

Name	Location	Description
Waste Analysis Plan (WAP)	Permit Attachment 3	Permittee's commitments regarding waste characterization procedures. The WAP is a fully enforceable document. If contradictions exist between the WAP and the Permit, see Permit Condition 2.5.1.
Sampling and Analysis Plan (SAP)	Permit Conditions 2.5.2, 2.5.3, and 2.5.4	Required when sampling and analysis is required. See permit conditions for specifics.
Record of quality assurance/quality control determinations	Permit Condition 2.5.5	Regards waste sampling and analysis. Record traceable to a specific waste. See permit conditions for specifics.
Record of waste re-evaluation	Permit Condition 2.5.5.a	See permit conditions for specifics.
Record of waste characterization	Permit Condition 2.5.9, and the WAP	General requirement to maintain a record of waste characterization results.
Record of evaluation of air emission control applicability	Permit Condition 2.5.6.b	Re-evaluation of average volatile organic concentration in wastes managed in containers and tanks to be performed annually. See permit condition for specifics.
LDR Notification and Certification Statements	Permit Condition 2.4, and the WAP	Accompanies manifest when waste is transferred off-site. Identifies all waste codes and underlying hazardous constituents associated with waste plus other information identified at 40 CFR 268.7(a).

Name	Location	Description
Uniform Waste Manifests	Not referenced in Permit or WAP but required at 40 CFR 262 Subpart B	Documents transfer of waste to an off-site TSDF.
Hazardous Waste Management Database	WAP	Documents amounts of wastes received and shipped off-site.
Waste disposal request form	WAP	Documents transfer of waste to an off-site TSDF.
LDR status determination records	WAP	Documents determination of LDR status.

2.5.16 Waste Analysis Plan (WAP)

The waste analysis plan, located in Permit Attachment 3, shall be modified, and submitted to the Secretary for approval, whenever a new waste product is collected or when sampling and material management methods change. The approved revision(s) to the WAP shall be provided to the Facility manager and training shall be conducted for appropriate personnel.

Changes to the waste analysis plan will be processed as minor modifications, pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.42).

2.6 DUST SUPPRESSION

The Permittee shall not use waste or used oil or any other material, which is contaminated with dioxin, PCB, or any other hazardous waste, other than a waste identified solely on the basis of ignitability, for dust suppression or road treatment at the Facility pursuant to 20.4.1.700 NMAC (incorporating 40 CFR 266.23(b)).

2.7 SECURITY

In order to prevent the unknowing entry and minimize the possibility of unauthorized entry of persons into the Facility, the Permittee shall comply with the security provisions and procedures described in Permit Attachment 4, *Security Plan*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14).

2.7.1 Barriers and Means to Control Entry

The Permittee shall maintain an artificial barrier (i.e. a fence in good repair) around the Facility as a means to control entry into the active portion of the Facility as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.14(b)(2)), and as specified in Permit Attachment 4, *Security Plan*.

The six-foot high chain link fence as described in Permit Attachment 4 shall be maintained around the Facility to prevent unauthorized personnel and livestock from gaining access to the Facility and its surrounding land. Access to the Facility shall only be through the gates described in Permit Attachment 4.

2.7.2 Warning Signs

Warning signs in English and Spanish shall be posted at all the gates and around the fence, and at other locations of the Facility in sufficient numbers to be visible from all angles of approach to the facility. These signs must be legible from a distance of at least 25 feet from any approach to the perimeter fence, in compliance with the standards contained in 20.4.1.500 NMAC (incorporating 40 CFR 264.14(c)).

2.8 GENERAL INSPECTION REQUIREMENTS

2.8.1 Inspection Schedule

The Permittee shall implement the *Inspection Plan* contained in Permit Attachment 5, to detect any container and underground storage tank equipment malfunctions and/or deteriorations, operator errors, and discharges in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.15 (a)).

2.8.2 Inspection Frequency

The Permittee shall inspect monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment at the frequency specified in the weekly and monthly inspection schedules contained in Permit Attachment 5 and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(b)).

2.8.3 Remediation Of Equipment/Structures

The Permittee shall remedy any deterioration or malfunction of equipment or structures, which an inspection reveals as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(c)).

2.8.4 Inspection Log and Checklist

The Permittee shall use the inspection checklists contained in Permit Attachment 5, *Inspection Plan*. The Permittee shall record the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d)).

2.8.5 Inspection Records

The Permittee shall maintain inspection checklists in the Facility operating record for at least 3 years from the date of inspection as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.15(d)).

2.9 PERSONNEL TRAINING

The Permittee shall conduct personnel training following the procedures described in Permit Attachment 9, *Personnel Training*, and the following Permit Conditions as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16).

2.9.1 Personnel Training Requirements

The Permittee shall train all persons involved in the management and storage of hazardous waste in procedures relevant to the positions in which they are employed, as described in Permit Attachment 9, *Personnel Training*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16).

2.9.2 Personnel Training Content

The personnel training program shall include the courses and procedures described in Permit Attachment 9, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(a) through (c)).

2.9.3 Personnel Training Records

The Permittee shall keep training records on current personnel until closure of the Facility. Training records on former employees shall be kept at the Facility office for at least 3 years from the date the employee last worked at the Facility as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.16(d) and (e)).

2.10 LOCATION STANDARDS

Since the Facility is located within the boundaries of Bernalillo County, New Mexico, which is listed in 40 CFR 264 Appendix VI,

Political Jurisdictions in Which Compliance With 40 CFR 264.18(a) Must Be Demonstrated, Section 2.10 is applicable. Because the Facility is not a new facility, the Permittee is not required to comply with the seismic standards specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.18(a)).

Because the Facility is not located within a 100-year floodplain, the Permittee is not required to comply with the floodplain standards specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.18(b)).

2.11 SPECIAL PROVISIONS FOR IGNITABLE, REACTIVE, OR INCOMPATIBLE WASTES

The Permittee shall follow the procedures for managing and storing ignitable, reactive, and incompatible wastes set forth in Permit Attachment 1, *Description and Design and Operation of the Facility* and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.17).

2.12 PREPAREDNESS AND PREVENTION

2.12.1 Required Equipment

The Permittee shall maintain at the Facility the equipment set forth in Permit Attachment 7-2, *Emergency Equipment and Locations*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.32 and 40 CFR 264.52(e)).

The Permittee shall ensure the Facility alarm system is operating at all times in order to provide immediate emergency instruction, either voice or signal, to Facility personnel in the event of an emergency pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.32(a)).

2.12.2 Testing and Maintenance of Equipment

The Permittee shall test and maintain the equipment specified in Permit Attachment 7-2 as necessary to assure its proper operation in time of emergency pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.33).

2.12.3 Access to Communications or Alarm System

The Permittee shall maintain access to the communications or alarm system as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.34).

2.12.4 Required Aisle Space

The Permittee shall maintain enough aisle space to allow the unobstructed movement of Facility personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.35), and as described in Permit Attachment 1, *Description and Design and Operation of the Facility*.

2.12.5 Arrangements with Local Authorities

The Permittee shall maintain coordination agreements with the City of Albuquerque Fire Department and Presbyterian Hospital as described in Permit Attachment 7, *Contingency Plan*. These arrangements shall be either Memoranda of Understanding or Mutual Aid Agreements between the Permittee and the off-site cooperating agencies, and shall include the elements required by 20.4.1.500 NMAC (incorporating 40 CFR 264.37 (a)). Copies and descriptions of these Memoranda of Understanding or Mutual Aid Agreements shall be maintained in the operating record at the Facility office as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.37(b)).

Where State or local authorities decline to enter into a such arrangements, the Permittee shall document the refusal in the operating record, pursuant to 20.4.1.500 NMAC, incorporating 40 CFR 264.37(b).

2.13 CONTINGENCY PLAN

2.13.1 Implementation of Plan

The Permittee shall immediately implement the Contingency Plan contained in Permit Attachment 7, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents, which could threaten human health, or the environment as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.51(b)). Emergency equipment and locations as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.52(e) is provided in Attachment 7-2.

2.13.2 Copies of the Plan

The Permittee shall maintain copies of the Contingency Plan and all revisions and amendments to the Plan at the Facility as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.53). The Permittee shall provide copies of the current Contingency Plan and all revisions to the Plan to the Secretary and all entities with which the Permittee has emergency Memoranda of Understanding

or Mutual Aid Agreements as specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.53).

2.13.3 Amendments to Plan

The Permittee shall review and immediately amend, if necessary, the Contingency Plan, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.54).

2.13.4 Emergency Coordinator

An Emergency Coordinator and an alternate Emergency Coordinator, as specified in Permit Attachment 7-3, *Emergency Contacts*, shall be available at all times in case of an emergency. The Emergency Coordinator or alternate Emergency Coordinator shall be thoroughly familiar with the Contingency Plan and shall have the authority to commit the resources needed to implement the Contingency Plan pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.55). In the event of an imminent or actual emergency, the Emergency Coordinator shall activate the internal emergency alarms, notify the appropriate State or local agencies with designated response roles, and implement the other procedures as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.56), and as described in Permit Attachment 8, *Manifesting, Reporting, and Record Keeping*.

2.14 MANIFEST SYSTEM

The Permittee shall comply with the manifest requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.71, 40 CFR 264.72, and 40 CFR 264.76). The Permittee shall not accept for management or storage any hazardous waste from an off-site source without the accompanying manifest.

2.15 RECORD KEEPING AND REPORTING

In addition to the record keeping and reporting requirements specified elsewhere in this Permit and 20.4.1.500 NMAC (incorporating 40 CFR 264.73(a)), the Permittee shall comply with the following conditions:

2.15.1 Operating Record

The Permittee shall maintain all applicable documentation in the Facility operating record until closure of the Facility in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)).

The Permittee shall maintain a written operating record for each hazardous waste received until closure of the Facility pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)). The

Permittee shall maintain a written operating record of all monitoring records for at least 3 years from the date of report, sampling, measurement, or certification and shall maintain all records from ground water monitoring wells and associated ground water surface elevations for the active life of the Facility as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.30(j)(2)).

The Permittee shall retain in the Facility operating record, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator pursuant to 40 CFR 268.7, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.73(b)(16)).

2.15.2 Biennial Report

The Permittee shall comply with the biennial reporting requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.75).

2.15.3 Personnel and Telephone Number Changes

The Permittee shall inform the Secretary in writing of changes in its management personnel and telephone numbers within 15 calendar days of the changes.

2.16 GENERAL CLOSURE REQUIREMENTS

2.16.1 Performance Standard

The Permittee shall close the Facility following the procedures described in the Closure Plan outlined in Permit Attachment 10, *Closure Plan*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.111 and 40 CFR 264.112(a) and (b)).

2.16.2 Amendment to Closure Plan

The Permittee shall submit a written notification of or request for a Permit modification to authorize a change of the approved Closure Plan whenever necessary, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.112(c)).

2.16.3 Notification of Closure

The Permittee shall notify the Secretary in writing at least 45 calendar days prior to the date on which the Permittee expects to begin closure of the Facility and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.112(d)).

2.16.4 Time Allowed For Closure

Within 90 calendar days after receiving the final volume of hazardous waste, the Permittee shall remove all hazardous waste from the Facility to a permitted treatment, storage or disposal facility as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.113(a)), following the schedule specified in Permit Attachment 10, *Closure Plan*, or as amended as required by Permit Condition 2.16.2.

Within 180 days after receiving the final volume of hazardous waste the Permittee shall complete partial and final closure activities in accordance with the schedule specified in Permit Attachment 10, *Closure Plan*, or as amended as required by Permit Condition 2.15.2 pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.113(b)).

2.16.5 Disposal or Decontamination of Equipment, Structures, and Soils

The Permittee shall decontaminate or dispose of all contaminated equipment, structures, and soils, as specified in Permit Attachment 10, *Closure Plan*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.114). By removing any hazardous wastes or hazardous constituents during partial and final closure, the Permittee may become a generator of hazardous waste and therefore must handle that waste in accordance with 20.4.1.300 NMAC (incorporating 40 CFR 262).

2.16.6 Sampling for Metals, Organics and Halogenated Organics at the Facility

The Permittee shall collect soil and ground water samples at the Facility for metals (i.e., Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, Zinc), organics and halogenated organics using EPA approved methods in the latest copy of SW-846 and its updates, or an alternate method approved by the Secretary.

2.16.7 Certification of Closure

Within 60 calendar days from the date of completion of closure of the Facility, and within 60 calendar days of completion of final closure of the Facility, the Permittee shall provide to the Secretary, by registered mail, a final closure report and written closure certification signed by an independent professional engineer registered in the State of New Mexico, that the Facility was closed as required by the procedures specified in Permit Attachment 10, *Closure Plan*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.115).

2.17 COST ESTIMATE FOR FACILITY CLOSURE

2.17.1 Cost Estimates

The Permittee shall provide a detailed written estimate, in current dollars, of the cost of closing the Facility in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.142(a)). The most recent closure cost estimate shall be inserted into Permit Attachment 12, *Financial Assurance and Closure Cost Estimates*.

2.17.2 Adjustment of Cost Estimates

During the active life of the Facility the Permittee shall adjust the closure cost estimate for inflation within 60 calendar days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with 20.4.1.500 NMAC (incorporating 40 CFR 264.143), and Permit Condition 2.19, *Liability Requirements*, or when using an approved State required mechanism, upon such a date as required by the State pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.142(b)).

2.17.3 Revision of Cost Estimates

The Permittee shall revise the closure cost estimates within 30 calendar days after NMED approves a request to modify the Closure Plan if the change increases the cost of closure as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.142(c)).

2.17.4 Record Keeping

The Permittee shall maintain current cost estimates prepared in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.142(a) and (c)), and if the closure cost estimate was adjusted, the date of adjustment in the Facility operating record during the operating life of the Facility as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.142(d)).

2.18 FINANCIAL ASSURANCE FOR FACILITY CLOSURE

2.18.1 Submittal Of Financial Assurance Documentation

The Permittee shall establish financial assurance for closure of the Facility in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.143).

2.18.2 Changes To The Financial Assurance Instrument

The Permittee shall not change the financial assurance instrument without approval of the Secretary pursuant the applicable

financial assurance option referenced in 20.4.1.500 NMAC (incorporating 40 CFR 264.143).

2.19 LIABILITY REQUIREMENTS

2.19.1 Liability Coverage Amounts

The Permittee shall have and maintain liability coverage for sudden and accidental occurrences in the amount of one million dollars ($1,000,000) per occurrence, with an annual aggregate of at least two million dollars ($2,000,000), exclusive of legal defense costs in accordance with each applicable requirement of 20.4.1.500 NMAC (incorporating 40 CFR 264.147(a)).

The Permittee shall have and maintain liability coverage for nonsudden accidental occurrences in the amount of three million dollars ($3,000,000) per occurrence, with an annual aggregate of at least six million dollars ($6,000,000), exclusive of legal defense costs in accordance with each applicable requirement of 20.4.1.500 NMAC (incorporating 40 CFR 264.147(b)).

2.19.2 Submittal of Liability Documentation

The signed duplicate original of the liability policy required in compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.147) is contained in Permit Attachment 12, *Financial Assurance and Closure Cost Estimates*.

2.20 DISCLOSURE

As required by Section 74-4-4.7 of the HWA, the Permittee filed a disclosure statement with all requisite information with the New Mexico Environment Department. A copy of the letter from the New Mexico Department of Public Safety to NMED regarding background investigation conducted on Safety-Kleen Systems Inc., is included in Attachment 1-2 of Permit Attachment 1. If any information required to be included in the disclosure statement provided by the Permittee to comply with Section 74-4-4.7 of the HWA changes, or if any information is added after filing the statement, the Permittee shall provide that information to the Secretary within 30 calendar days after the change or addition. Failure to provide such information in a timely manner may constitute the basis for the revocation of this Permit.

2.21 INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS

2.21.1 Declaration Of Bankruptcy By Financial Institution

The Permittee shall notify the Secretary by certified mail of the commencement of bankruptcy, and the name of any guarantor within 10 calendar days after commencement of the proceeding as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.148(a)).

2.22 ESTABLISHMENT OF OTHER FINANCIAL ASSURANCE OR LIABILITY COVERAGE

The Permittee shall establish other financial assurance or liability coverage within 60 calendar days from the date the Trustee or institution issuing the surety bond, letter of credit, or insurance policy declares bankruptcy; otherwise the Permittee will be deemed to be without the required financial assurance pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.148(b)).

2.23 GROUND WATER MONITORING

The Permittee shall conduct quarterly ground water detection monitoring at the Facility, when it fails to achieve clean closure. The Permittee shall analyze ground water samples for the hazardous waste constituents contained in 20.4.1.200 NMAC (incorporating 40 CFR 261, Appendix VIII), that have been detected in the ground water at the monitoring wells, or are expected to be in, or derived from, waste stored at the Facility in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.93(a)).

2.24 ESTABLISHMENT OF A BASELINE

The Permittee shall conduct background soil sampling at the Facility in areas not impacted by waste management within 180 calendar days from the effective date of this Permit. Sampling locations shall be approved by NMED. The sampling activity is necessary for the establishment of baseline values that shall be used for reference during closure activities described in Permit Attachment 10, *Closure Plan*. The Permittee shall submit a copy of the background sample data to NMED.

2.25 TRANSPORTATION OF HAZARDOUS WASTE

The Permittee shall comply with all U.S. Department of Transportation, State, and local regulatory standards which apply to persons transporting hazardous waste within the United States and the State of New Mexico as required by 20.4.1.400 NMAC (incorporating 40 CFR 263); and any other local restrictions

established for transportation of hazardous waste in the affected communities.

PART 3

STORAGE OF HAZARDOUS WASTE IN CONTAINERS

3.1 INTRODUCTION

This Part contains the regulatory requirements for the Permittee to manage and store hazardous wastes at the Facility. The Permittee is authorized to manage and store in the Container Storage Units (CSUs) only those hazardous wastes listed in Permit Attachment 2, *Authorized Wastes and Part A Application*. Specific Facility and process information for the management, storage and transfer of hazardous waste, and descriptions of the CSUs are provided in Permit Attachment 1. The locations of the CSUs are shown in Permit Attachment 1-3, *Container Storage Unit Layout*. The photographs located in Permit Attachment 1-1 show the interiors of the CSUs at the Facility.

The Permittee shall store a maximum of 4,310 gallons of hazardous waste in 55-gallon drums and smaller containers at any one time in the West container storage area, a maximum of 2,680 gallons of hazardous waste in 55-gallon drums and smaller containers at any one time in the East container storage area, and a maximum of 9,650 gallons of hazardous waste in 55-gallon drums and smaller containers at any one time in the Flammable Storage Building at the Facility. Attachment 1-1, Figure 1 shows the location of Safety-Kleen's Albuquerque New Mexico Service Center and Figures 4 and 5 show the surrounding off-site land use. Additional details on the construction and design of the CSUs are included in Permit Attachment 1.

3.2 WASTE HANDLING BUILDINGS

The East and West Container Storage Units began operations on March 1, 1977, and the Flammable Storage Building commenced operations on March 5, 1992, according to Safety-Kleen representatives.

The Permittee shall manage and store hazardous waste in the three CSUs as specified in Permit Attachment 1, *Description and Design and Operation of the Facility*, subject to the following conditions:

3.2.1 Storage Containers

The Permittee shall manage and store hazardous waste in the containers specified by Permit Condition 3.4.1 of this Part.

3.2.2 Storage Locations and Quantities

The Permittee shall manage and store hazardous waste in containers in the three CSUs located within the physical boundary of the Facility. The East Container Storage Area has a 268-gallon secondary containment area, the West Container Storage Area has a 431-gallon secondary containment area, and the Flammable Storage Building has secondary containment of 965-gallons. The Permittee shall manage and store quantities of hazardous waste inside approved containers in these locations not to exceed the maximum capacities specified in Table 3.1.

3.2.3 Storage Time Limit

The Permittee shall not store any hazardous waste in the CSUs for more than 1 year pursuant to 20.4.1.800 NMAC (incorporating 40 CFR 268.50(b)) except as provided in Permit Condition 2.4.1.

3.2.4 Storage on Concrete Floor

The Permittee shall separate, by waste type and compatibility, hazardous waste containers unloaded from trucks transporting hazardous waste from off-site generators to the Facility in the CSUs. The CSUs shall have concrete floors that slope toward the trench secondary containment areas to expose and contain any spills quickly as described in Permit Attachment 1, *Description and Design and Operation of the Facility*.

3.2.5 Minimum Aisle Space

The Permittee shall maintain sufficient aisle space between storage containers in the CSUs to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area within the CSU as described in Permit Attachment 6, *Preparedness and Prevention Procedures*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.35).

3.3 PERMITTED AND PROHIBITED WASTE IDENTIFICATION

3.3.1 Permitted Waste

The Permittee shall manage and store for subsequent transfer to a permitted treatment, storage, or disposal facility, only the hazardous wastes listed in Permit Attachment 2, *Authorized Wastes and Part A Application,* pursuant to the terms of this Permit.

3.3.2 Prohibited Waste

The Permittee is prohibited from managing and storing any hazardous waste that is not identified in Permit Condition 3.3.1 of this Permit. The Permittee shall not store more than 16,640 gallons of the hazardous waste types specified in Permit Condition 3.3.1 in containers in the CSUs at any one time.

TABLE 3.1.

TOTAL STORAGE CAPACITY OF CONTAINER STORAGE UNIT

TYPE OF STORAGE UNIT	EPA HAZARDOUS WASTE TYPE	AREA (Square Feet-Approximate)	MAXIMUM VOLUME OF WASTES (Gallons)
East Container Storage Unit	Spent Immersion Cleaner and Aqueous Parts Washer Solvents (D004-D011, D018, D019, D021-D030, D032-043), and Dry Cleaning Waste (F002).	350	2680
West Container Storage Unit	Spent Immersion Cleaner and Aqueous Parts Washer Solvents (D004-D011, D018, D019, D021-D030, D032-043), Dry Cleaning Waste (F002), and Photo Imaging Wastes (D011)	900	4310
Flammable Storage Building	Dumpster Sediment, Paint Wastes (D001, F002, F005), Aqueous Parts Washer Solvents (D004-D011, D018, D019, D021-D030, D032-043), Other flammable wastes or products.	1240[1]	9650

Note 1: dimensions taken from Figure 1.

3.4 CONDITION OF CONTAINERS

If a container holding hazardous waste is not in good condition (e.g., has severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such a container to a container that is in good condition or

otherwise manage the waste in compliance with the Conditions of this Permit and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.171).

3.4.1 Acceptable Storage Containers

The Permittee shall use containers that comply with the requirements of the United States Department of Transportation shipping container regulations (*49 CFR 173, Shipper's General Requirements for Shipment and Packaging, and 49 CFR 178, Specifications for Packaging*) for management and storage of hazardous waste at the CSUs.

Containers used for storage of hazardous waste in the CSUs shall have a maximum capacity of 55-gallons (208 liters) excluding the 85-gallon (322 liter) overpack drums.

Additional containers that are used for storage of wastes in the CSUs are typically described as black, blue, or otherwise, and are coded 3H1/Y1.2/60/97 USA/+AA1170 4.1. Other manufacturers producing similar containers may be used as well. The containers are approximately 26.5 inches by 13.5 inches by 6 inches. The containers have a liquid capacity of approximately 9 gallons each and are typically used to hold 5 gallons of material. Both petroleum based and water based solvents may be held in the containers.

3.5 COMPATIBILITY OF WASTE WITH CONTAINERS

The Permittee shall use containers made of, or lined with, materials, which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.172). The Permittee shall ensure compliance with this requirement by conducting pre-acceptance characterization of waste as described in Permit Attachment 3, *Waste Analysis Plan*, considering the precautions described under "Preventive Measures" in Permit Attachment 1, *Description and Design and Operation of the Facility*.

3.6 MANAGEMENT OF CONTAINERS

The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak as referenced in 20.4.1.500 NMAC (incorporating at 40 CFR 264.173).

3.7 SECONDARY CONTAINMENT SYSTEMS

The Permittee shall construct and maintain secondary containment systems for all containers in the CSUs in accordance with the specifications contained in 20.4.1.500 NMAC (incorporating 40 CFR 264.175), and the procedures described in Permit Attachment 1, *Description and Design and Operation of the Facility.*

3.8 INSPECTION SCHEDULES AND PROCEDURES

The Permittee shall inspect the CSUs and evaluate the condition of containers and secondary containment systems, safety equipment, and aisle space daily, quarterly, and annually, to detect leaking containers, deterioration of containers and the containment system caused by corrosion and other factors, in accordance with the Inspection Schedules located in Permit Attachment 5, *Inspection Plan and Schedule*, Attachment 5-1, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.174).

3.9 RECORD KEEPING

The Permittee shall place the results of all waste analyses and any other documentation showing compliance with the requirements of Permit Condition 2.15, *Record Keeping and Reporting*, in the Facility operating record, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(a)).

3.10 CLOSURE

Before closure of the CSUs, the Permittee shall remove all hazardous waste and hazardous waste residues from the containment system in accordance with the procedures described in Permit Attachment 10, *Closure Plan*. Remaining containers, liners, bases and soils containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.178).

3.11 SPECIAL CONTAINER PROVISIONS FOR IGNITABLE OR REACTIVE WASTE

3.11.1 Location of Ignitable and Reactive Waste

The Permittee shall not locate containers holding ignitable or reactive hazardous waste within 15 meters (50 feet) of the Facility's property line as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.176).

3.11.2 Procedures to Prevent Ignition/Reaction

The Permittee shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures specified in Permit Attachment 6, *Preparedness and Prevention*, and as required by 20.4.1.500 NMAC (incorporating 264.17 and 40 CFR 264.176).

3.11.3 Storage of Hazardous Waste Containers

Containers of ignitable and reactive wastes shall be stacked no more than two high, in order to comply with the National Fire Protection Association's *Flammable and Combustible Liquids Code*.

3.12 SPECIAL CONTAINER PROVISIONS FOR INCOMPATIBLE WASTE

3.12.1 Storage of Incompatible Wastes

The Permittee shall not place incompatible wastes in the same containers, as set forth in Permit Attachment 6, *Preparedness and Prevention*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.177(a)).

3.12.2 Management of Unwashed Containers

The Permittee shall not place hazardous waste in an unwashed container that previously held an incompatible waste or material in accordance with by 20.4.1.500 NMAC (incorporating 40 CFR 264.177(b)).

3.12.3 Separation of Hazardous Waste Containers

The Permittee shall separate containers of incompatible wastes as described in Permit Attachment 6, *Preparedness and Prevention*, and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.177(c)).

3.13 AIR EMISSION STANDARDS

The Permittee shall manage all hazardous waste placed in the CSUs in accordance with the applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264 Subparts BB, and CC) pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.200) and as required by Parts 6 and 7 of this Permit.

PART 4

STORAGE OF HAZARDOUS WASTE IN TANKS

4.1 INTRODUCTION

This Part contains the regulatory requirements for the Permittee to manage and store hazardous wastes at the Facility. The Facility is authorized to manage and store in the spent solvent 12,000-gallon underground storage tank only those hazardous wastes listed in Permit Attachment 2, *Authorized Wastes and Part A Application*. The storage tank system at the Facility consists of two 12,000-gallon underground, horizontal cylindrical steel, double-walled tanks and their ancillary pumps and piping. The tanks are constructed with leak detection installed in the interstitial space. A high-level alarm system is installed in the system. The exterior of the outside tank is coated with a plastic-fiberglass mixture so that no metal is exposed and the tank is isolated from electrical currents. The tank is constructed in accordance with Underwriter's Laboratories Standard 58 and is located more than five feet from the building foundation. One of the two tanks contains new solvent awaiting distribution and the other contains spent solvent awaiting return to a Safety-Kleen Recycle Center. The 12,000-gallon spent solvent underground storage tank is the only tank regulated by this Permit. The spent solvent is regulated as a hazardous waste because of the characteristic of ignitability and the possible characteristic of toxicity as measured by the Toxicity Characteristic Leaching Procedure (TCLP).

Ancillary equipment to the spent solvent underground storage tank includes a return and fill shelter containing two enclosed dumpster/drum washers into which the contents of a drum of used solvent can be emptied. A float switch controls a pump that moves excess solvent to the spent solvent tank. When the tank is empty, solvent in the bottom of the main cabinet is re-circulated through the drum washer for any remaining drum cleaning requirements. All spent solvents and sediments are then pumped into the spent solvent tank. The return and fill station is concrete block structure with a metal roof and is equipped with a monolithically poured concrete secondary containment with a capacity of 1,548 gallons. Elevated grating is situated above the containment area.

Piping to the underground storage tank from the return and fill station is tight-piped, underground, and the joints are welded to minimize the potential for leaks. The underground used solvent piping is provided with secondary containment in the form of a high-density polyethylene pipe jacket.

Based on the registered professional engineer's assessment of the tank system, the two 12,000-gallon underground storage tanks were installed in 1992. According to Safety-Kleen representatives, tank operations commenced on March 5, 1992.

4.2 PERMITTED AND PROHIBITED WASTE IDENTIFICATION

4.2.1 Permitted Waste

The Permittee may store a maximum total volume of 12,000 gallons of spent solvent in the 12,000-gallon underground storage tank, as described and depicted in Permit Attachment 1, *Description and Design and Operation of Facility*, subject to the terms of this Permit. The hazardous waste exhibits the characteristic of ignitability (D001) and possible toxicity (D004, D005, D006, D007, D008, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043).

4.2.2 Prohibited Waste

The Permittee is prohibited from storing, transporting, or treating hazardous waste that is not identified in Permit Condition 4.2.1 of this Permit.

4.2.3 Storage Time Limit

The Permittee shall not store any hazardous waste in the 12,000 gallon spent solvent underground storage tank for more than one year pursuant to 20.4.1.800 NMAC (incorporating 40 CFR 268.50(b)) except as provided in Permit Condition 2.4.1.

4.3 SECONDARY CONTAINMENT SYSTEMS

The Permittee shall construct and maintain secondary containment systems for the drum washer/dumpsters, and all other related appurtenances in the Facility in accordance with the specifications required by 20.4.1.500 NMAC (incorporating 40 CFR 264.193), and the procedures described in Permit Attachment 1, *Description and Design and Operation of the Facility.* Any portion of the return and fill station not provided with secondary containment shall be inspected daily for leaks.

4.4 INSPECTION SCHEDULES AND PROCEDURES

The Permittee shall inspect the 12,000-gallon underground storage tanks, the drum washer/dumpster, and all other related appurtenances in the Facility in order to assess the condition of the tanks, drum washer/dumpster, related equipment, secondary containment systems, and safety equipment daily, quarterly, and

annually, to detect leaks, deterioration of structures and equipment, and the containment system caused by corrosion and other factors, in accordance with the inspection schedules located in Permit Attachment 5, *Inspection Plan and Schedule*, Attachment 5-1, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.195) and as follows:

4.4.1 Tanks

The Permittee shall inspect the tank systems in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.195) and the inspection schedules located in Permit Attachment 5, *Inspection Plan and Schedule*. The Permittee shall complete the items in Permit Conditions 4.4.1 and 4.4.2 as part of those inspections.

The Permittee shall inspect the following components of the tank system once each operating day as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.195(b)(1) through 40 CFR 264.195(b)(3));

1. Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

2. Data gathered from monitoring and leak detection equipment (e.g., level gauges) to ensure that the tank system is being operated according to its design;

3. The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

4.4.2 Overfill Controls

The Permittee shall inspect the overfill controls, in accordance with the inspection schedules located in Permit Attachment 5, *Inspection Plan and Schedule*, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.195(a)).

4.4.3 Documentation

The Permittee shall document compliance of Permit Condition 4.4 in the Facility Operating Record pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.195(d)).

4.5 RECORD KEEPING

The Permittee shall place the results of all waste analyses and any other documentation showing compliance with the requirements

of Permit Condition 2.15, *Record Keeping and Reporting*, in the Facility operating record, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.73(a)).

4.6 OPERATING REQUIREMENTS

The Permittee shall not place hazardous wastes or treatment reagents in the spent solvent underground storage tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail. The Permittee shall prevent spills and overflows from the tank or containment systems using the methods described in Permit Attachment 6, *Preparedness and Prevention*, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.194(a) and (b)).

4.7 RESPONSE TO LEAKS OR SPILLS

In the event of a leak or a spill from the tank system, from a secondary containment system, or if a system becomes unfit for continued use, the Permittee shall remove the system from service immediately and complete the following actions as specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.196):

4.7.1 Cessation Of Use

Stop the flow of hazardous waste into the system and inspect the system to determine the cause of the release as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(a));

4.7.2 Removal Of Waste

The Permittee shall remove waste and any accumulated precipitation from the system within 24 hours of the detection of the leak to prevent further release and to allow inspection and repair of the system. If the Permittee demonstrates that it is not possible to meet this time period, the Permittee shall notify the Secretary and demonstrate that the longer time period is required pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.196(b)).

If the collected material is a RCRA hazardous waste, it shall be managed in accordance with all applicable requirements of 20.4.1 NMAC (incorporating 40 CFR 264 through 40 CFR 270). If the collected material is discharged through a point source to U.S. waters or to a Publicly Owned Wastewater Treatment facility, it is subject to requirements of the Clean Water Act. If the collected material is released to the environment, it may be subject to reporting under 40 CFR Part 302.

4.7.3 Containment

The Permittee shall immediately conduct a visual inspection of all releases to the environment to prevent further migration of the leak or spill to soils or surface water and remove and properly dispose of any visible contamination of the soil or surface water as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(c)).

4.7.4 Notification And Reports

The Permittee shall report to the Secretary within 24 hours of detection when a leak or spill occurs from the tank system or secondary containment system to the environment pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.196(d)(1)).

A leak or spill is exempted from these requirements if the quantity of waste leaked or spilled is one pound or less and is immediately contained and cleaned up as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(d)(2)). If the Permittee has reported the release pursuant to 40 CFR Part 302, this report will satisfy the requirements of this Permit Condition.

Within 30 days of detection of a release to the environment from the tank system or secondary containment system, the Permittee shall report the following information to the Secretary as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(d)(3));

1. Likely route of migration of the release;

2. Characteristics of the surrounding soil (including soil composition, geology, hydrogeology, and climate);

3. Results of any monitoring or sampling conducted in connection with the release. If the Permittee finds it will be impossible to meet this time period, the Permittee shall provide the Secretary with a schedule of when the results will be available. This schedule shall be submitted for approval before the required 30-day submittal period expires and shall provide for submission of data as soon as possible;

4. Proximity of downgradient drinking water, surface water, and populated areas;

5. Description of response actions taken or planned.

4.7.5 Provision of Secondary Containment

Unless the Permittee satisfies the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.196(e)(2) through 40 CFR 264.196(e)(4)), the tank system must be closed in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.197).

4.7.5.a Releases Caused By Spills

For a release caused by a spill that has not damaged the integrity of the system, the Permittee shall remove the released waste and make any necessary repairs to fully restore the integrity of the system before returning the tank system to service as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(e)(2)).

4.7.5.b Tank Leaks

For a release caused by a leak from the primary tank system to the secondary containment system, the Permittee shall repair the primary system prior to returning it to service as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(e)(3)).

4.7.5.c Releases To The Environment

For a release to the environment caused by a leak from the aboveground portion of the tank system that does not have secondary containment, and can be visually inspected, the Permittee shall repair that portion of the tank system prior to returning it to service in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.196(e)(4)). The repaired portion of the tank system may be returned to service without secondary containment provided that the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.196(f)) are satisfied.

4.7.5.d Tank Component Replacement

If the Permittee replaces a component to comply with the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.196(e)(4)), that component must therefore satisfy the requirements for new tank systems or components pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.192 and 40 CFR 264.193).

4.7.5.e Tank System Repairs

For all major repairs to eliminate leaks or restore the integrity of the tank system, the tank system shall not be returned to service unless the Permittee has obtained a certification by an independent, qualified, registered professional engineer pursuant

to 20.4.1.900 NMAC (incorporating 40 CFR 270.11(d)), that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification shall be submitted to the Secretary within 7 days after returning the tank system to use as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.196(f)).

4.8 CLOSURE AND POST CLOSURE

4.8.1 Closure

During closure of the tank system, the Permittee shall remove or decontaminate all waste residues, contaminated system components, contaminated soils, structures and equipment contaminated with waste, and manage them as hazardous waste unless 20.4.1.200 NMAC (incorporating 40 CFR 261.3(d)) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in 20.4.1.500 NMAC (incorporating 40 CFR 264 Subparts G and H) and in accordance with Permit Attachment 10, *Closure Plan.*

4.8.2 Post-Closure

If the Permittee demonstrates that not all contaminated soils can be practically removed or decontaminated as required in 4.8.1, then the Permittee shall close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.197(b)). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the Permittee shall meet all requirements for landfills as specified in 20.4.1.500 NMAC (incorporating 40 CFR 264 Subparts G and H).

4.9 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

The Permittee shall not place ignitable or reactive waste in the tank system or in the secondary containment system, unless the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.198) are satisfied.

The Permittee shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjoining property line that can be built upon, as required in Tables 2-1 through 2-6 of the National Fire Protection Association's *Flammable and Combustible Liquids Code,* (1977 or 1981), as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.198(b)).

4.10 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES

The Permittee shall not store incompatible wastes, or incompatible wastes and materials in the tank system, or place hazardous waste in a tank system that has not been decontaminated that previously held an incompatible waste or material unless the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.17(b)) are satisfied pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.199).

4.11 AIR EMISSION STANDARDS

The Permittee shall manage all hazardous waste placed in a tank in accordance with the applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264 Subparts BB, and CC) pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.200) and as required by Parts 6 and 7 of this Permit.

PART 5

CORRECTIVE ACTION

INTRODUCTION

This Part sets forth the requirements for the Permittee to conduct corrective action for all releases of hazardous waste or hazardous constituents at the Facility pursuant to Sections 74-4-4-4.A.5.h, 74-4-4.2.B, and 74-4-10.F (Cum. Supp. 1999) of the New Mexico Hazardous Waste Act (HWA) and Resource Conservation and Recovery Act (RCRA),as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

5.1 CORRECTIVE ACTION FROM RELEASES

Sections 74-4-4.A.5.h and 74-4-4.2 of the HWA

Sections 74-4-4.A.5.h and 74-4-4.2 of the HWA and 20.4.1.500 NMAC (incorporating 40 CFR 264.101) require that permits issued after April 8, 1987, shall require corrective action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any SWMU at a treatment, storage or disposal facility, regardless of the time at which the waste was placed in the SWMU.

Sections 74-4-4.A.5.i of the HWA

Sections 74-4-4.A.5.i of the HWA and 20.4.1.500 NMAC (incorporating 40 CFR 264.101(c)) require corrective action beyond the Facility boundary where necessary to protect human health and the environment unless the Permittee demonstrates to the satisfaction of the Secretary that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions.

Sections 3004(u) and 3004(v) of RCRA

The Permittee may also be required to take corrective action for releases of hazardous constituents from any SWMU at the Facility, or beyond the Facility property boundaries, regardless of the time at which waste was placed at the Facility, under section 3004(u) and 3004(v) of RCRA.

5.2 APPLICABILITY

The Conditions of this Part apply to:

5.2.1 Solid Waste Management Units and Areas of Concern That Require a RCRA Facility Investigation

The SWMUs and AOCs identified in Appendix 5-A of this Part (Table A.1, which require corrective action) that require a RCRA Facility Investigation (RFI);

5.2.2 Solid Waste Management Units and Areas of Concern That Require No Further Investigation

The SWMUs and AOCs identified in Appendix 5-A of this Part (Table A.2) that require no further investigation under this permit at this time;

5.2.3 Newly Discovered Solid Waste Management Units and Areas of Concern

Any additional SWMUs or AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means. As used in this Permit, the terms "discover", "discovery", or "discovered" refer to the date on which the Permittee either: (1) visually observes evidence of a new SWMU or AOC; (2) visually observes evidence of a previously unidentified release of hazardous constituents to the environment; or (3) receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment;

5.2.4 Contamination that has Migrated Beyond the Facility Boundary, if Applicable.

The Permittee shall implement corrective actions beyond the Facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Secretary that, despite the Permittee's best efforts, as determined by the Secretary, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the Facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for completion of off-site corrective action will be required as specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.101(c)).

5.3 NOTIFICATION AND ASSESSMENT REQUIREMENTS FOR NEWLY IDENTIFIED SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN

5.3.1 Notification of Newly Discovered Solid Waste Management Units and Areas of Concern

The Permittee shall notify the Secretary in writing, within 15 calendar days of discovery, of any suspected new SWMU or AOC. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release, etc.). The Secretary may conduct, or require the Permittee to conduct, further assessment (i.e., confirmatory sampling) in order to determine the status of the suspected SWMU or AOC. The Secretary shall notify the Permittee in writing of the final determination as to the status of the suspected SWMU or AOC. If the Secretary determines that further investigation of a SWMU or AOC is required, the permit shall be modified in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.41).

5.3.2 Solid Waste Management Unit Assessment Report

The Permittee shall prepare and submit to the Secretary, within 90 calendar days of notification, a SWMU Assessment Report (SAR) for each SWMU identified under Condition 5.3.1. At a minimum, the SAR shall provide the following information:

1. Location of unit(s) on a topographic map of appropriate scale such as required under 20.4.1.900 NMAC (incorporating 40 CFR 270.14(b)(19));

2. Designation of type and function of unit(s);

3. General dimensions, capacities and structural description of unit(s) (supply any available plans/drawings);

4. Dates that the unit(s) was operated;

5. Specification of all wastes that have been managed at/in the unit(s) to the extent available. Include any available data on hazardous constituents in the wastes; and

6. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit(s) (to include groundwater data, soil analyses, air, and/or surface water data);

5.3.3 Further Investigation

Based on the results of the SAR, the Secretary shall determine the need for further investigations at the Facility. If the Secretary determines that such investigations are needed, the Permittee shall be required to prepare a plan for such investigations as outlined in Condition 5.5.2 or 5.6.1.a.

5.4 NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES FROM SWMUS OR AOCS

5.4.1 Notification of Newly Discovered Releases

The Permittee shall notify the Secretary in writing of any newly discovered release(s) of hazardous waste or hazardous constituents discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, within 15 calendar days of discovery. Such newly discovered releases may be from any SWMU at the Facility, including SWMUs or AOCs identified in Permit Condition 5.3.1 or SWMU or AOCs identified in Condition 5.2.2 for which further investigation under Condition 5.3.3 was not required.

5.4.2 Work Plan Preparation

If the Secretary determines that further investigation of the SWMUs or AOCs is needed, the Permittee shall be required to prepare a Work Plan for such investigations as outlined in Condition 5.6.1.

5.5 CONFIRMATORY SAMPLING

5.5.1 Confirmatory Sampling (CS) Work Plan

The Permittee shall prepare and submit a CS Work Plan for each unit identified under Condition 5.3.1. The CS Work Plan shall be submitted within 45 calendar days from the discovery of the SWMU or AOC. The CS Work Plan shall include schedules of implementation and completion of specific actions necessary to determine whether or not a release has occurred. It should also address applicable requirements and affected media. In order to partly or wholly satisfy the CS requirement, previously existing data may be submitted with the CS Work Plan for the Secretary's consideration.

5.5.2 CS Work Plan Approval

Prior to implementation, the CS Work Plan shall be approved by the Secretary in writing. The Secretary shall specify the start date of the CS Work Plan schedule in the letter approving the CS

Work Plan. If the Secretary disapproves the CS Work Plan, the Secretary shall either: (1) notify the Permittee in writing of the CS Work Plan's deficiencies and specify a due date for submission of a revised CS Work Plan; (2) revise the CS Work Plan and notify the Permittee of the revisions; or (3) conditionally approve the CS Work Plan and notify the Permittee of the conditions.

5.5.3 CS Work Plan Implementation

The Permittee shall implement the confirmatory sampling in accordance with the approved CS Work Plan.

5.5.4 CS Report

The Permittee shall prepare and submit to the Secretary, in accordance with the schedule in the approved CS Work Plan, a CS Report identifying all SWMUs or AOCs that have released hazardous waste or hazardous constituents into the environment. The CS Report shall include all data, including raw data, and a summary and analysis of the data. If submittal of the CS Report coincides with submittal of the RCRA Facility Investigation Report (RFI), then the CS Report and the RFI Report may be combined into one document.

5.5.5 Further Investigation

Based on the results of the CS Report, the Secretary shall determine the need for further investigations at the SWMUs or AOCs covered in the CS Report. If the Secretary determines that such investigations are needed, the Permittee shall be required to prepare a Work Plan for such investigations as outlined in Condition 5.6.1. The Secretary will notify the Permittee of any no further action decision.

5.6 RCRA FACILITY INVESTIGATION (RFI)

5.6.1 RFI Work Plan

5.6.1.a RFI Work Plan Submittal

The Permittee shall prepare and submit to the Secretary, within 90 calendar days of the effective date of this Permit, a RCRA Facility Investigation Work Plan for those units identified in Condition 5.2.1. This Work Plan shall be developed to meet the requirements of Condition 5.6.1.a.

The Permittee shall prepare and submit to the Secretary, within 90 calendar days of notification by the Secretary, an RFI Work

Plan for those units identified under Condition 5.3.3, Condition 5.4.2, or Condition 5.5.5.

The RFI Work Plan shall meet the requirements of Appendix 5-B of this Part. The RFI Work Plan shall include schedules of implementation and completion of specific actions necessary to determine the nature and extent of contamination and the potential pathways of contaminant releases to the air, soil, surface water, and groundwater. The Permittee must provide sufficient justification and associated documentation that a release is not probable or has already been characterized if a unit or a media/pathway associated with a unit (groundwater, surface water, soil, subsurface gas, or air) is not included in the RFI Work Plan. Such deletions of a unit, medium or pathway from the RFI(s) are subject to the approval of the Secretary. The Permittee shall provide sufficient written justification for any omissions or deviations from the minimum requirements of Appendix 5-B. Such omissions or deviations are subject to the approval of the Secretary. In addition, the scope of the RFI Work Plan shall include all investigations necessary to ensure compliance with 20.4.1.500 NMAC (incorporating 40 CFR 264.101 (c)).

5.6.1.b RFI Work Plan Approval

The RFI Work Plan shall be approved by the Secretary, in writing, prior to implementation. The Secretary shall specify the start date of the RFI Work Plan schedule in the letter approving the RFI Work Plan. If the Secretary disapproves the RFI Work Plan, the Secretary shall either (1) notify the Permittee in writing of the RFI Work Plan's deficiencies and specify a due date for submission of a revised RFI Work Plan, (2) revise the RFI Work Plan and notify the Permittee of the revisions and the start date of the schedule within the approved RFI Work Plan, or (3) conditionally approve the RFI Work Plan and notify the Permittee of the conditions.

5.6.2 RFI Implementation

The Permittee shall implement the RFI in accordance with the approved RFI Work Plan and Appendix 5-B. The Permittee shall notify the Secretary at least 20 calendar days prior to any sampling activity, field testing or field monitoring activity required by this Permit to provide agency personnel the opportunity to observe investigation procedures and/or obtain split samples.

5.6.3 RFI Reports

5.6.3.a RFI Report Submittal

The Permittee shall prepare and submit to the Secretary, Draft and Final RCRA Facility Investigation Reports for the investigation conducted pursuant to the RFI Work Plan submitted under Condition 5.6.1. The Draft RFI Report shall be submitted to the Secretary for review in accordance with the schedule in the approved RFI Work Plan. The Final RFI Report shall be submitted to the Secretary within 30 calendar days of receipt of the Secretary's final comments on the Draft RFI Report. The RFI Report shall include an analysis and summary of all required investigations of SWMUs and AOCs and their results. The summary shall describe the type and extent of contamination at the facility, including sources and migration pathways, identify all hazardous constituents present in all media, and describe actual or potential receptors.

5.6.3.b RFI Report Content

The RFI Report shall also describe the extent of contamination (qualitative/quantitative) in relation to background levels indicative of the area. If the Draft RFI Report is a summary of the initial phase investigatory work, the report shall include a work plan for the final phase investigatory actions required based on the initial findings. Approval of the final phase work plan shall be carried out in accordance with Condition 5.6.1.b. The objective of this task shall be to ensure that the investigation data are sufficient in quality (e.g., quality assurance procedures have been followed) and quantity to describe the nature and extent of contamination, potential threat to human health and/or the environment, and to support a Corrective Measures Study, if necessary.

The Permittee shall prepare and submit to the Secretary, along with the Draft and Final RFI Report, action levels for each of the hazardous constituents reported in Condition 5.6.3.a and b. Action levels shall be calculated as specified in Appendix 5-E of this Part.

5.6.3.c RFI Report Review

The Secretary will review the RFI Report, including the action levels required by Condition 5.6.3.b. The Secretary shall notify the Permittee of the need for further investigative action if necessary and, if appropriate, inform the Permittee of the need for a Corrective Measures Study to meet the requirements of 5.8 and 20.4.1.500 NMAC (incorporating 40 CFR 264.101). The Secretary will notify the Permittee of any no further action

decision. Any further investigative action required by the Secretary shall be prepared and submitted in accordance with a schedule specified by the Secretary and approved in accordance with Condition 5.6.1.b.

5.6.3.d RFI Progress Reports

If the time required to conduct the RFI(s) is greater than 180 calendar days, the Permittee shall provide the Secretary with quarterly RFI Progress Reports beginning 90 calendar days from the start date specified by the Secretary in the RFI Work Plan approval letter. The Progress Reports shall contain the following information:

2. A Description of the portion of the RFI completed;

3. Summaries of findings;

4. Summaries of any deviations from the approved RFI Work Plan during the reporting period;

5. Summaries of any significant contacts with local community public interest groups or State government;

6. Summa ries of any problems or potential problems encountered during the reporting period;

7. Actions taken to rectify problems;

8. Changes in relevant personnel;

9. Projected work for the next reporting period; and

10. Copies of daily reports, inspection reports, data, etc.

5.7 INTERIM MEASURES (IM)

5.7.1 IM Work Plan

5.7.1.a IM Work Plan Submittal

Upon notification by the Secretary, the Permittee shall prepare and submit an IM Work Plan for any SWMU, or AOC, which the Secretary determines is necessary. Interim measures are necessary in order to minimize or prevent the further migration of contaminants and limit actual or potential human and environmental exposure to contaminants while long-term corrective action remedies are evaluated and, if necessary, implemented. The IM Work Plan shall be submitted within 30 calendar days of such notification and shall include the elements listed in

5.7.1.b. Such interim measures may be conducted concurrently with investigations required under the terms of this permit.

5.7.1.b IM Initiation

The Permittee may initiate IM at a SWMU or AOC by submitting the appropriate notification pursuant to Permit Conditions 1.6 and 1.7. The Secretary will process Permittee initiated IM by either conditionally approving the IM or imposing an IM Work Plan per Condition 5.7.1.a. Permittee initiated IM shall be considered conditionally approved unless the Secretary specifically imposes an IM Work Plan within 30 calendar days of receipt of notification of the Permittee initiated IM. The scope and success of Permittee initiated IM conditionally approved per Condition 5.7.1.b shall be subject to subsequent in-depth review; the Secretary will either comment on or approve the Permittee initiated IM. Permittee initiated IM must follow the progress and final reporting requirements in Condition 5.7.3.

The IM Work Plan shall ensure that the interim measures are designed to mitigate any current or potential threat(s) to human health or the environment and is consistent with and integrated into any long-term solution at the Facility. The IM Work Plan shall include the interim measures objectives, procedures for implementation (including any designs, plans, or specifications), and schedules for implementation.

5.7.1.c IM Work Plan Approval

The IM Work Plan imposed under Condition 5.7.1.a must be approved by the Secretary, in writing, prior to implementation. The Secretary shall specify the start date of the IM Work Plan schedule in the letter approving the IM Work Plan. If the Secretary disapproves the IM Work Plan, the Secretary shall either: (1) notify the Permittee in writing of the IM Work Plan's deficiencies and specify a due date for submission of a revised IM Work Plan; (2) revise the IM Work Plan and notify the Permittee of the revisions and the start date of the schedule within the approved IM Work Plan; or (3) conditionally approve the IM Work Plan and notify the Permittee of the conditions.

5.7.2 IM Implementation

The Permittee shall implement the interim measures imposed under Condition 5.7.1.a in accordance with the approved IM Work Plan.

The Permittee shall give notice to the Secretary as soon as possible of any planned changes, reductions or additions to the IM Work Plan imposed under Condition 5.7.1.a or initiated by the Permittee under Condition 5.7.1.b.

5.7.2.a IM Approval

Final approval of corrective action required under 20.4.1.500 NMAC (incorporating 40 CFR 264.101) achieved through interim measures shall be as a permit modification in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.41) and Condition 5.9.

5.7.3 IM Reports

5.7.3.a Progress Reports

If the time required for completion of interim measures imposed under Condition 5.7.1.a or implemented under Condition 5.7.1.b is greater than one year, the Permittee shall provide the Secretary with progress reports at intervals specified in the approved Work Plan or semi-annually for Permittee initiated interim measures. The Progress Reports shall contain the following information:

1. A description of the portion of the interim measures completed;

2. Summaries of findings;

3. Summaries of any deviations from the IM Work Plan during the reporting period;

4. Summaries of any problems or potential problems encountered during the reporting period; and

5. Projected work for the next reporting period.

5.7.3.b IM Report Submission

The Permittee shall prepare and submit an IM Report to the Secretary, within 90 calendar days of completion of interim measures conducted under Condition 5.7. The IM Report shall contain the following information:

2. A description of interim measures implemented;

3. Summaries of results;

4. Summaries of all problems encountered;

5. Summaries of accomplishments and/or effectiveness of interim measures; and

6. Copies of all relevant laboratory/monitoring data, etc. in accordance with Condition 1.6.9.

5.8 CORRECTIVE MEASURES STUDY (CMS)

5.8.1 CMS Work Plan

5.8.1.a CMS Work Plan Submittal

The Permittee shall prepare and submit a CMS Work Plan for those units requiring a CMS within 90 calendar days of notification by the Secretary that a CMS is required. The CMS Work Plan shall be developed to meet the requirements of Condition 5.8.1.b. The Permittee may seek approval from the Secretary for concurrent RFI/CMS. The CMS may be performed concurrent with the RFI process if the Secretary determines that sufficient investigative details are available to allow concurrent action.

5.8.1.b CMS Work Plan Requirements

The CMS Work Plan shall meet the requirements of Appendix 5-C at a minimum. The CMS Work Plan shall include schedules of implementation and completion of specific actions necessary to complete a CMS. The Permittee must provide sufficient justification and/or documentation for any unit deleted from the CMS Work Plan. Such deletion of a unit is subject to the approval of the Secretary. The Permittee shall provide sufficient written justification for any omissions or deviations from the minimum requirements of Appendix 5-C. Such omissions or deviations are subject to the approval of the Secretary. The scope of the CMS Work Plan shall include all investigations necessary to ensure compliance with Section 74-4-4.2 of the HWA, 3005(c)(3), 20.4.1.500 NMAC (incorporating 40 CFR 264.101 and 40 CFR 264.552), and 20.4.1.900 NMAC (incorporating 40 CFR 270.32(b)(2)). The Permittee shall implement corrective actions beyond the Facility boundary, as set forth in Condition 5.2.4.

5.8.1.c CMS Work Plan Approval

The Secretary shall either approve or disapprove, in writing, the CMS Work Plan. If the Secretary disapproves the CMS Work Plan, the Secretary shall either: (1) notify the Permittee in writing of the CMS Work Plan's deficiencies and specify a due date for submittal of a revised CMS Work Plan; (2) revise the CMS Work Plan and notify the Permittee of the revisions; or (3) conditionally approve the CMS Work Plan and notify the Permittee of the conditions. The modified CMS Work Plan thus becomes the approved CMS Work Plan.

5.8.2 CMS Implementation

The Permittee shall begin to implement the CMS according to the schedules specified in the CMS Work Plan, no later than 15

calendar days after the Permittee has received written approval from the Secretary for the CMS Work Plan. Pursuant to Permit Condition 5.8.1.b the CMS shall be conducted in accordance with the approved CMS Work Plan.

5.8.3 CMS Report

5.8.3.a Final CMS Report

The Permittee shall prepare and submit to the Secretary a draft and final CMS Report for the study conducted pursuant to the approved CMS Work Plan and in accordance with Appendix 5-C. The draft CMS Report shall be submitted to the Secretary in accordance with the schedule in the approved CMS Work Plan. The final CMS Report shall be submitted to the Secretary within 30 calendar days of receipt of the Secretary's final comments on the draft CMS Report. The CMS Report shall summarize any bench-scale or pilot tests conducted. The CMS Report must include an evaluation of each remedial alternative. If a remedial alternative requires the use of a Corrective Action Management Unit (CAMU), the CMS report shall include all information necessary to establish and implement the CAMU. The CMS Report shall present all information gathered under the approved CMS Work Plan. The CMS Final Report must contain adequate information to support the Secretary's decision on the recommended remedy, described under Permit Condition 5.9.

5.8.3.b CMS Report Disapproval

If the Secretary determines that the CMS Final Report does not fully satisfy the information requirements specified under Permit Condition 5.8.3.a., the Secretary may disapprove the CMS Final Report. If the Secretary disapproves the CMS Final Report, the Secretary will notify the Permittee in writing of deficiencies in the CMS Final Report and specify a due date for submittal of a revised CMS Final Report. The Secretary will notify the Permittee of any no further action decision.

As specified under Permit Condition 5.8.3.b., based on preliminary results and the CMS Final Report, the Secretary may require the Permittee to evaluate additional remedies or particular elements of one or more proposed remedies.

5.9 CORRECTIVE MEASURES IMPLEMENTATION (CMI)

5.9.1 Corrective Measures Implementation Program

The Permittee shall prepare and simultaneously submit CMI Conceptual Design, a CMI Operation and Maintenance Plan, CMI Plans and Specifications, and a CMI Construction Work Plan within

90 calendar days of notification by the Secretary that corrective measures are required. After NMED reviews and approves the CMI submittals, the Permittee shall implement the approved corrective measures in accordance with the approved CMI design, CMI Operation and Maintenance Plan, CMI Plans and Specifications, and CMI Construction Work Plan.

After the approved corrective measures have been implemented, the Permittee shall submit a CMI Construction Completion Report when the construction and any operational tests have been completed. Finally, the Permittee shall submit a CMI Corrective Measure Completion Report when the corrective measure completion criteria have been satisfied.

5.10 REMEDY APPROVAL AND PERMIT MODIFICATION

A remedy shall be proposed/selected by the Permittee from the remedial alternatives evaluated in the CMS. It will be based at a minimum on protection of human health and the environment, as per specific site conditions and existing regulations. The selected remedy may include any interim measures implemented to date. The selected remedy will be reviewed and approved by the Secretary prior to its implementation.

Pursuant to 20.4.1.900 NMAC (incorporating 40 CFR 270.41), a permit modification will be initiated by the Secretary after recommendation of a remedy under Condition 5.10. This modification will serve to incorporate a final remedy, including a CAMU if necessary, into this Permit.

Within 120 calendar days after this Permit has been modified for remedy selection, the Permittee shall demonstrate financial assurance for completing the approved remedy.

5.11 MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE

5.11.1 Corrective Action Schedule Modification

If at any time the Secretary determines that modification of the Corrective Action Schedule of Compliance is necessary, the Secretary may initiate a modification to the Schedule of Compliance located in Appendix 5-D of this Part.

5.11.2 Secretary Initiated Modifications

Modifications that are initiated and finalized by the Secretary will be in accordance with the applicable provisions of 20.4.1.900 NMAC (incorporating 40 CFR 270). The Permittee may also request a permit modification in accordance with 20.4.1.900

NMAC (incorporating 40 CFR 270) to change the Schedule of Compliance.

5.12 WORK PLAN AND REPORT REQUIREMENTS

5.12.1 Secretary Approval

All work plans and schedules shall be subject to approval by the Secretary prior to implementation to assure that such work plans and schedules are consistent with the requirements of this Permit and with applicable regulations. The Permittee shall revise all submittals and schedules as specified by the Secretary. Upon approval the Permittee shall implement all work plans and schedules as written.

5.12.2 Document Submittals

All work plans and reports shall be submitted in accordance with the approved schedule. Extensions of the due date for submittals may be granted by the Secretary based upon the Permittee's demonstration that sufficient justification for the extension exists.

5.12.3 Amended Work Plans

If the Permittee at any time determines that the SAR information required under Condition 5.3, the CS Work Plan under Condition 5.5, or RFI Work Plan required under Condition 5.6 no longer satisfy the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.101) or this Permit for prior or continuing releases of hazardous waste or hazardous constituents from solid waste management units and/or areas of concern, the Permittee shall submit an amended Work Plan to the Secretary within 90 calendar days of such determination.

5.12.4 Required Copies

Three (3) copies of all reports and work plans shall be provided by the Permittee to the Secretary at the following address:

New Mexico Environment Department

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1

Santa Fe, NM 87505-6303

5.13 APPROVAL/DISAPPROVAL OF SUBMITTALS

The Secretary will review the work plans, reports, schedules, and other documents ("submittals"), which require the Secretary's approval in accordance with the conditions of this Permit. The Secretary will notify the Permittee in writing of any submittal that is disapproved, and the basis thereof. Condition 5.13 shall apply only to submittals that have been disapproved and revised by the Secretary, or that have been disapproved by the Secretary, then revised and resubmitted by the Permittee, and again disapproved by the Secretary.

5.14 DISPUTE RESOLUTION

The Permittee and NMED shall use good faith efforts to informally resolve all disputes arising out of requirements in this Part. The Permittee shall not invoke dispute resolution for purposes of delay. If, however, the Permittee disagrees, in whole or in part, with the Secretary's revision of a submittal or disapproval of any revised submittal required by the Permit, the following shall apply:

If the Permittee disputes any revisions or disapproves of plans, etc. made by the Secretary, the Permittee shall notify the Secretary in writing within 30 calendar days of receipt of the Secretary's revision. Such notice shall set forth the specific matters in dispute, the work affected by the dispute, including specific compliance dates, all factual data, analysis, opinion and documentation supporting the Permittee’s position, and any matters considered necessary for the Secretary's determination.

The Permittee and Hazardous Waste Bureau (HWB) permitting staff shall have 30 calendar days to use best efforts to resolve the dispute informally. If the Permittee and HWB staff are unable to resolve the dispute, the Permittee may request a final decision from the Secretary.

In the event agreement is reached, the Permittee shall comply with the terms of such agreement or if appropriate submit the revised submittal and implement the same in accordance with and within the time frame specified in such agreement. The resolution of the dispute shall, as necessary and appropriate, be incorporated as a Permit Condition.

If agreement is not reached, the Secretary will notify the Permittee in writing of his/her decision on the dispute within 30 calendar days from receipt of Permittee’s request under Permit Condition 5.13. The Secretary’s decision is a final agency action and shall be incorporated as an enforceable Permit

Condition. The Permittee shall comply with the terms and conditions of the Secretary's decision.

The invocation of dispute resolution shall not stay the requirements of the disputed Permit Condition absent a determination by the Secretary that just cause exists. The Permittee shall proceed to take any action required by those portions of the submission and of the permit that the Secretary determines are not affected by the dispute.

APPENDIX 5-A
SOLID WASTE UNIT MANAGEMENT SUMMARY

Note: Since there are no SWMUs or AOCs at the Safety-Kleen Albuquerque Facility currently undergoing corrective action, Table A.1 is not applicable. Should corrective action become necessary, Table A.1 will apply.

TABLE A.2

List of Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) not requiring a RCRA Facility Investigation (RFI) at this time:

SWMU	AOC NAME	DESCRIPTION	DATES OF OPERATION	POTENTIALLY AFFECTED MEDIA
N/A	Return and Fill Station	This is the return and fill station marked on Figure 1 [*Permit Attachment 1*]	March 5, 1992 to Present	Groundwater Surface Water Soil and Air
3 CONTAINER STORAGE UNITS (CSUs). CONSISTS OF THE EAST, WEST, AND FLAMMABLE STORAGE BUILDINGS		These are the Permitted Operating Facility Storage Units [All Figure 1-1]	March 1, 1977 to Present (East and West CSUs), March 5, 1992 to present for Flammable Storage Building	Groundwater Surface Water Soil Air
UNDERGROUND SPENT SOLVENT TANK STORAGE FACILITY		This is the Permitted Operating Facility Storage Tank shown on Figure 1 [*Permit Attachment 1*]	March 5, 1992 to Present	Groundwater Surface Water Soil Air

APPENDIX 5-B
RCRA FACILITY INVESTIGATION (RFI) OUTLINE

The purpose of the RFI portion of the RCRA corrective action process is to evaluate the nature and extent of releases of hazardous wastes and/or hazardous constituents and to gather necessary data to support the Corrective Measures Study (CMS) and/or Interim Measures (IM). The Permittee shall accomplish the investigation through the following progression of tasks:

1. Gather information on the source of the release(s) to the environment (Source Characterization);

2. Gather information on the physical aspects of the environment which will affect the migration and fate of the release and identification of exposure pathways for both humans and non-human members of the environment (Environmental Setting);

3. Use Source Characterization and Environmental Setting to develop a conceptual model of the release, which will be used to plan and conduct a program to define the nature, rate and extent of the release (Sampling and Analysis Plan).

An RFI Work Plan and RFI Report are required elements of the RCRA corrective action process. The requirements for a full, detailed RFI are provided in the following paragraphs:

5.15 RFI WORK PLAN REQUIREMENTS - ELEMENTS OF THE RFI WORK PLAN

The RFI Work Plan shall include, at a minimum, the following elements:

5.15.1 Introduction - Summary Of Any Relevant Existing Assessment Data

The Permittee shall describe the purpose or objective of the RFI Work Plan and provide a summary of any existing environmental data, which is relevant to the investigation. The summary should provide the following items:

1. Title History of Property;

2. Facility operating dates;

3. Facility product (s);

4. Raw materials used in facility operations, wastes generated;

5. Nature and extent of any known contamination;

6. Summary of ongoing Interim Measures and past assessments; and

7. Summary of permit objective and how this objective will be satisfied.

5.16 ENVIRONMENTAL SETTING

The Permittee shall characterize the Environmental Setting as it relates to identified sources, pathways and areas of releases of hazardous constituents from SWMUs and/or AOCs. Data gaps pertinent to characterization of releases shall be identified and provisions made in Section 5.19 (*Sampling and Analysis Plan for Characterization of Releases of Hazardous Wastes/Hazardous Constituents*) to obtain the relevant information to fill the data gap. The environmental setting shall cover the following items:

5.16.1 Hydrogeology

The Permittee shall provide a summary of the hydrogeologic conditions at the Facility. This discussion shall include, but not be limited to, the following information:

1. A description of the regional and local geologic and hydrogeologic characteristics affecting ground-water flow beneath the Facility, including:

   a. Regional and Facility specific stratigraphy: a description of strata including strike and dip, identification of stratigraphic contacts;

   b. Structural geology: a description of local and regional structural features (e.g., folding, faulting, tilting, jointing, metamorphic foliation, etc.);

   c. Depositional history;

   d. Regional and Facility specific ground water flow patterns (porous media, fracture media, karst media); and

   e. Identification and characterization of areas and amounts of recharge and discharge (springs in karst terrain, base level streams and rivers).

2. An analysis of any topographic features that might influence the ground water flow system (e.g., sinkholes and sinking streams in karst terrains).

3. Based on any existing field data, tests (e.g., pump tests, tracer tests), and cores, a representative and accurate classification and description of the hydrogeologic units which may be part of the migration pathways at the Facility (i.e., the aquifers and any intervening saturated and unsaturated units), including:

   a. Hydraulic conductivity and porosity (total and effective), groundwater flow velocity, groundwater basin discharge;

   b. Lithology, grain size, sorting, degree of cementation;

   c. An interpretation of hydraulic interconnections between saturated zones (i.e., aquifers) and surface waters; and

   d. The attenuation capacity and mechanisms of the natural earth materials (e.g., ion exchange capacity, organic carbon content, mineral content, etc.).

4. Based on data obtained from groundwater monitoring wells and piezometers installed upgradient, water wells downgradient of the potential contaminant source, a representative description of water level or fluid pressure monitoring including:

   a. Water-level contour and/or potentiometric maps, including seasonal variations;

   b. Hydrologic cross sections showing vertical gradients;

   c. The flow system, including the vertical and horizontal components of flow; and

   d. Any temporal changes in hydraulic gradients, for example, due to tidal or seasonal influences and for karst terrain, storm flow.

5. A description of man-made influences that may affect the hydrology of the site, identifying:

a. Local water-supply and production wells with an approximate schedule of pumping; and

b. Man-made hydraulic structures (pipelines, french drains, ditches, roofs, runways, parking lots, etc.).

5.16.2 Soils

The Permittee shall provide an explanation of the soil and rock units above the water table in the vicinity of contaminant release(s). This summary may include, but not be limited to, the following types of information as appropriate:

1. Surface soil distribution;
2. Soil profile, including ASTM classification of soils;
3. Transects of soil stratigraphy;
4. Hydraulic conductivity (saturated and unsaturated);
5. Relative permeability;
6. Bulk density;
7. Porosity;
8. Soil sorption capacity;
9. Cation exchange capacity (CEC);
10. Soil organic content;
11. Soil pH;
12. Particle size distribution;
13. Depth of water table;
14. Moisture content;
15. Effect of stratification on unsaturated flow;
16. Infiltration;
17. Evapotranspiration;
18. Storage capacity;
19. Vertical flow rate; and

20. Mineral content.

5.16.3 Surface Water and Sediment

The Permittee shall provide a description of the surface water bodies in the vicinity of the Facility. This summary may include, but not be limited to, the following activities and information:

5.16.3.a Description of the Temporal and Permanent Surface Water Bodies Including:

1. For lakes; location, elevation, surface area, inflow, outflow, depth, temperature stratification, and volume;

2. For impoundments; location, elevation, surface area, depth, volume, freeboard, and construction and purpose;

3. For streams, ditches, and channels: location, elevation, flow, velocity, depth, width, seasonal fluctuations, flooding tendencies (i.e., 100 year event), discharge point(s), and general contents;

4. For wetlands obtain any available delineation;

5. Drainage patterns; and

6. Evapotranspiration

5.16.3.b Description of the Chemistry of the Natural Surface Water and Sediments.

This includes determining:

1. pH;

2. Total dissolved solids;

3. Total suspended solids;

4. Biological oxygen demand;

5. Alkalinity;

6. Conductivity;

7. Dissolved oxygen profiles;

8. Nutrients;

9. Chemical oxygen demand;

10. Total organic carbon;

11. Specific containment concentrations; and

12. Others as determined.

5.16.3.c Description of Sediment Characteristics

This includes:

1. Deposition area;

2. Thickness profile;

3. Physical and chemical parameters (e.g. grain size, density, organic carbon content, ion exchange capacity, pH, etc).

5.16.4 Air

The Permittee shall provide information characterizing the climate in the vicinity of the Facility. Such information shall include a description of the following parameters:

1. Annual and monthly rainfall averages;

2. Monthly temperature averages and extremes;

3. Wind speed and direction;

4. Relative humidity/dew point;

5. Atmospheric pressure;

6. Evaporation data;

7. Development of inversions; and,

8. Climate extremes that have been known to occur in the vicinity of the facility, including frequency of occurrence

A description of topographic and man-made features that affect air-flow and emission patterns, including the following shall also be included:

1. Ridges, hills, or mountain areas;

2. Canyons or valleys;

3. Surface water bodies (e.g., rivers, lakes, bays, etc.);

4. Wind breaks and forests; and

5. Buildings.

5.17 SOURCE CHARACTERIZATION

The Permittee shall collect analytical data to characterize the wastes and the areas where wastes have been placed, collected or removed including: type, quantity, physical form, disposition (containment or nature of disposal), and any Facility characteristics that may affect or have affected a release (e.g., facility security, engineered barriers).

Data gaps on source characterization shall be identified, and provisions shall be made pursuant to Section 5.19 (Sampling and Analysis Plan) to obtain relevant information to fill in the data gap.

This summary shall include quantification of the following specific characteristics, at each source area:

5.17.1 Unit/Disposal Area/Area of Concern Characteristics

1. Location of unit/disposal area;

2. Type of unit/disposal area;

3. Design features;

4. Operating practices (past and present) including the history of releases;

5. Period of operation;

6. Age of unit/disposal area;

7. General physical conditions; and,

8. Method used to close the unit/disposal area.

5.17.2 Waste Characteristics

5.17.2.a Type of Waste Placed in the Unit

1. Hazardous classification (e.g., flammable, reactive, corrosive, oxidizing or reducing agent);

2. Quantity; and

3. Chemical composition

5.17.2.b Physical and Chemical Characteristics

1. Physical form (solid, liquid, gas);
2. Physical description (e.g., powder, oily sludge);
3. Temperature;
4. pH;
5. General chemical class (e.g., acid, base, solvent);
6. Molecular weight;
7. Density;
8. Boiling point;
9. Viscosity;
10. Solubility in water;
11. Cohesiveness of the waste;
12. Vapor pressure; and
13. Flash point.

5.17.2.c Migration and Dispersal Characteristics of the Waste

1. Sorption;
2. Biodegradability, bioconcentration, biotransformation;
3. Photodegradation rates;
4. Hydrolysis rates; and
5. Chemical transformations.

The Permittee shall document the procedures used in making the above determinations.

5.18 POTENTIAL RECEPTORS

The Permittee shall provide data describing the human populations and environmental systems that are susceptible to contaminant exposure from the Facility. Data gaps pertinent to receptor analysis shall be identified and provisions made pursuant to

Section 5.18 to obtain the relevant information to fill the data gap. The following characteristics shall be identified;

5.18.1 Current Local Uses and Planned Future Uses of Groundwater

1. Type of use (e.g., drinking water source: municipal or residential, agricultural, domestic/non-potable, and industrial);

2. Location of groundwater users, to include withdrawal and discharge wells and springs, within one mile of the impacted area.

The above information should also indicate the aquifer or hydrogeologic unit used and/or impacted for each item.

5.18.2 Current Local Uses and Planned Future Uses of Surface Waters Directly Impacted by the Facility

1. Domestic and municipal (e.g., potable and lawn/gardening watering);

2. Recreational (e.g., swimming, fishing);

3. Agricultural;

4. Industrial; and

5. Environmental (e.g., fish and wildlife propagation

5.18.3 Human Use of or Access to the Facility and Adjacent lands, Including but not limited to;

1. Recreation;

2. Hunting;

3. Residential;

4. Commercial; and

5. Relationship between population locations and prevailing wind direction.

5.18.4 A General Description of the Biota in Surface Water Bodies on, adjacent to, or affected by the Facility.

5.18.5 A General Description of the Ecology within the area adjacent to the Facility.

5.18.6 A General Demographic Profile of the people who use, have access to the Facility and adjacent land, including, but not limited to: age; sex; and sensitive subgroups.

5.18.7 A description of any known or documented endangered or threatened species near the Facility.

5.19 SAMPLING AND ANALYSIS PLAN (SAP) FOR CHARACTERIZATION OF RELEASES OF HAZARDOUS WASTE/HAZARDOUS CONSTITUENTS

The Permittee shall prepare a plan to document all monitoring procedures necessary to characterize the extent, fate and transport of releases (i.e., identify sample locations, sample procedures and sample analysis to be performed during the investigation to characterize the environmental setting, source, and releases of hazardous constituents, so as to ensure that all information and data are valid and properly documented). The sampling strategy and procedures shall be in accordance with EPA Region 4 Environmental Compliance Branch's Standard Operating Procedure and Quality Assurance Manual (SOP) (most recent version). Any deviations from this SOP must be requested by the Permittee and approved by NMED. If a Risk Assessment is expected to be performed once release characterization is complete or nearly complete, Data Quality Objectives (DQO) for a Human Health Risk Assessment requires a Data Quality Objective of Level 3 or greater.

The Sampling and Analysis Plan must specifically discuss the following unless the SOP procedures are specifically referenced.

5.19.1 Sampling Strategy

1. Selecting appropriate sampling locations, depths, etc.;
2. Obtaining all necessary ancillary data;
3. Determining conditions under which sampling should be conducted;
4. Determining which media are to be sampled (e.g., groundwater, air, soil, sediment, subsurface gas);
5. Determining which parameters are to be measured and where;

6. Selecting the frequency of sampling and length of sampling period;

7. Selecting the types of samples (e.g., composite vs. grab) and the number of samples to be collected

5.19.2 Sampling Procedures

Documenting field sampling operations and procedures, including:

1. Documentation of procedures for preparation of reagents or supplies which become an integral part of the sample (e.g., filters, preservatives, and absorbing reagents);

2. Procedures and forms for recording the exact location and specific considerations associated with sample acquisition;

3. Documentation of specific sample preservation method;

4. Calibration of field instruments;

5. Submission of appropriate blanks (e.g., field, equipment, trip, etc.);

6. Potential interferences present at the Facility;

7. Construction materials and techniques, associated with monitoring wells and piezometers;

8. Field equipment listing and sampling containers;

9. Sampling order; and

10. Decontamination procedures.

5.19.3 Selecting Appropriate Sample Containers;

5.19.4 Sampling Preservation; and

5.19.5 Chain-of-custody, including

1. Standardized field tracking reporting forms to establish sample custody in the field prior to shipment;

2. Pre-prepared sample labels containing all information necessary for effective sample tracking; and

3. Chain-of-custody seals for sample containers and shipping coolers.

5.19.6 Sample Analysis

Sample analysis shall be conducted in accordance with the most recent version of *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods*, 3rd Edition, EPA Publication SW-846, or an alternate method approved by NMED. The sample analysis section of the Sampling and Analysis Plan shall specify the following;

5.19.6.a Chain-of-custody Procedures, Including

1. Identification of a responsible party to act as sampling custodian at the laboratory facility authorized to sign for incoming field samples, obtain documents of shipment, and verify the data entered onto the sample custody records;

2. Provision for a laboratory sample custody log consisting of serially numbered standard lab-tracking report sheets; and

3. Specification of laboratory sample custody procedures for sample handling, storage, and disbursement for analysis.

5.19.6.b Sample storage (e.g., maximum holding times for constituents);

5.19.6.c Sample preparation methods;

5.19.6.d Analytical Procedures, including

1. Scope and application of the procedure;

2. Sample matrix;

3. Potential interferences;

4. Precision and accuracy of the methodology;

5. Method Detection Limits;

6. Practical Quantitative Limits

5.19.6.e Calibration Procedures and Frequency;

5.19.6.f Data reduction, Validation and Reporting;

5.19.6.g Internal Quality Control Checks, Laboratory performance and systems audits and frequency, including:

1. Method blank(s);
2. Laboratory control sample(s);
3. Calibration check sample(s);
4. Replicate sample(s);
5. Matrix-spiked sample(s);
6. "Blind" quality control sample(s);
7. Control charts;
8. Surrogate samples;
9. Zero and span gases; and
10. Reagent quality control checks.

5.19.6.h External Quality Control Checks by NMED, including;

1. Spikes and blanks at sampling events for which NMED or its technical representative provides oversight; and
2. The equivalent of a CLP data package for samples split with NMED or for which NMED specifically requests the package.

5.19.6.i Preventive maintenance procedures and schedules;

5.19.6.j Corrective action (for laboratory problems); and

5.19.6.k Turnaround time.

5.20 DATA MANAGEMENT PLAN

The Permittee shall develop and initiate a Data Management Plan to document and track investigation data and results. This plan shall identify and set up data documentation materials and procedures, project file requirements, and project-related progress reporting procedures and documents. The plan shall also provide the format to be used to present the raw data and conclusions of the investigation.

5.20.1 Data Record

The data record shall include the following:

1. Unique sample or field measurement code;
2. Sampling or field measurement location and sample or measurement type;
3. Sampling or field measurement raw data;
4. Laboratory analysis identification number;
5. Property or component measures; and
6. Result of analysis (e.g. concentration, data qualifiers).

5.20.2 Tabular Displays

The following data shall be presented in tabular displays:

1. Unsorted (raw) data;
2. Results for each medium, or for each constituent monitored;
3. Data reduction for statistical analysis, as appropriate;
4. Sorting of data by potential stratification factors (e.g., location, soil layer, topography); and
5. Summary data.

5.20.3 Graphical Displays

The following data shall be presented in graphical formats (e.g., bar graphs, line graphs, area or plan maps, isopleth plots, cross-sectional plots or transects, three dimensional graphs, etc.):

1. Sampling location and sampling grid;
2. Indicate boundaries of sampling area, and area where more data are required;
3. Display geographical extent of contamination, both horizontally and vertically;
4. Illustrate changes in concentration in relation to distances from the source, time, depth or other parameters; and

5. Indicate features affecting inter-media transport and show potential receptors.

5.21 PROJECT MANAGEMENT PLAN - SCHEDULE OF IMPLEMENTATION

The Permittee shall prepare a Project Management Plan which will cover qualifications of personnel categories and the management control structure for the project. The Permittee shall also provide a schedule for completing the planned RFI activities. The schedule shall be as specific as possible (i.e., it should indicate the number of days/weeks/months required for each major work plan task).

5.22 RFI REPORT REQUIREMENTS - ELEMENTS OF THE RFI REPORT

The RFI Report shall include, at a minimum, the following elements:

5.22.1 Introduction

The Permittee shall describe the purpose of the RFI Work Plan and provide a summary description of the project.

5.22.2 Environmental Setting

The Permittee shall describe the Environmental Setting in and around the Facility. The RFI Work Plan shall contain some, if not all, of the information on the Environmental Setting. Any information collected during work plan implementation that clarifies or improves understanding of the Environmental Setting should be provided in this section.

5.22.3 Source Characterization

The Permittee shall summarize the sources of contamination and nature of releases identified at the Facility. The RCRA Facility Assessment and the RFI Work Plan shall contain information from the Source Characterization. Any information collected during work plan implementation or obtained from the sources (e.g., voluntarily or from other Environmental Programs)which directly addresses Source Characterization should be provided in this section.

5.22.4 Sampling and Analysis Results

The Permittee shall present data results obtained pursuant to the RFI Work Plan. The Permittee shall identify any work plan proposals which were not completed and explain why such actions

were not finished. The Permittee shall also present his analysis/interpretation of how the sampling data meet the RFI objective and how the sampling data fits or modifies the contaminant conceptual model. For all analytical data, the Permittee shall discuss the results of data quality/data review.

5.22.5 Data Quality Assurance/Data Quality Control Review

The Permittee shall perform a Quality Assurance/Quality Control (QA/QC) data review on all data present in the RFI. The QA/QC data review shall be in accordance with the U.S. EPA *Contract Laboratory Program National Functional Guidelines for Inorganic Data Review (EPA-540/R94-013) and the U.S. EPA Contract Laboratory Program National Functional Guidelines for Organic Data Review* (EPA-540/R94-012). The data review shall address the following:

1. Holding times;
2. Blanks;
3. Laboratory Control Samples;
4. Field Duplicates;
5. Surrogate Recoveries;
6. Matrix Spike/Matrix Spike Duplicates;
7. Data Assessment - Data Usability.

5.22.6 Conclusions

The Permittee shall summarize the major conclusions reached after analysis of the environmental setting, source characterization, sampling and analysis results and data quality. Any data gaps, needed to complete characterization of the scope and extent of the releases from SWMUs and/or AOCs or to refine further the contaminant conceptual model, shall be identified and recommendations made in the Recommendations Section of the report.

5.22.7 Recommendations

The Permittee shall provide his recommendations on what, if any, further action is needed to complete the characterization of release(s) from SWMUs and/or AOCs.

5.22.8 Work Plan for Additional Investigations

If further investigations are determined to be needed to complete the objectives of the RFI, then the Permittee shall provide a work plan to complete characterization of the release(s).

5.23 DETERMINATION OF NO FURTHER ACTION (NFA)

Based on the results of the RFI and other relevant information, the Permittee may submit an application to NMED for a Class 3 Permit modification under 20.4.1.900 NMAC (incorporating 40 CFR 270.42(c)) to terminate the RFI/CMS process for a specific unit. This permit modification application must contain information demonstrating that there are no releases of hazardous wastes or hazardous constituents from a particular SWMU/AOC at the facility that poses a threat to human health and the environment, as well as information required in 20.4.1.900 NMAC (incorporating 40 CFR 270.42(c)), which incorporates by reference 40 CFR 270.13 through 270.21, 270.62, and 270.63. If, based upon review of the Permittee's request for a permit modification, the results of the RFI, and other information, including comments received during the 60 day public comment period required for Class 3 permit modifications, NMED determines that releases or suspected releases which were investigated either are non-existent or do not pose a threat to human health and the environment, NMED will grant the requested modification. See Appendix 5-E for NFA Criteria.

A determination of no further action shall not preclude NMED from requiring continued or periodic monitoring of air, soil, ground water, or surface water, when site-specific circumstances indicate that release of hazardous wastes including hazardous constituents are likely to occur, if necessary to protect human health and the environment.

A determination of no further action shall not preclude NMED from requiring further investigations, studies, or remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from a SWMU at the Facility that is likely to pose a threat to human health or the environment. In such case, NMED may initiate either a modification to the Corrective Action Part of this Permit according to procedures in this Permit, or a major permit modification according to 20.4.1.900 NMAC (incorporating 40 CFR 270.41).

APPENDIX 5-C
CORRECTIVE MEASURE STUDY OUTLINE

The purpose of the corrective measure study (CMS) portion of the RCRA corrective action process is to identify and evaluate potential remedial alternatives for the releases of hazardous constituents that have been identified at the Facility through the RFI or other investigations to need further evaluation. The scope and requirements of the CMS are balanced with the expeditious initiation of remedies and rapid restoration of contaminated media. The scope and requirements of the CMS should be focused to fit the complexity of the site-specific situation. Therefore, a streamlined or focused approach to the CMS may be initiated. Information gathered during any stabilizations or interim measures will be used to augment the CMS and in cases where corrective action goals are met, may be a substitute for the final CMS.

Regardless of whether a streamlined/focused or a detailed CMS is required, a CMS Work Plan and CMS Report are generally required elements. The requirements for a full detailed CMS are listed below. The New Mexico Environment Department has the flexibility not to require sections of the plan and/or report, where site-specific situations indicate that all requirements are not necessary. Additionally, NMED may require additional studies besides those discussed below in order to support the CMS.

5.24 CORRECTIVE MEASURES STUDY WORK PLAN

5.24.1 Elements of the CMS Work Plan

The Corrective Measures Study Work Plan shall include the following elements:

1. A brief site-specific description of the overall purpose of the CMS;

2. A brief description of the corrective measure objectives, including proposed target media cleanup standards (e.g., promulgated Federal and State standards) and preliminary points of compliance or a description of how a risk assessment will be performed (e.g., guidance documents);

3. A brief description of the specific corrective measure technologies and/or corrective measure alternatives which will be studied;

4. A brief description of the general approach to investigating and evaluating potential corrective measures;

5. A detailed description of any proposed pilot, laboratory and/or bench scale studies;

6. A proposed outline for the CMS Report including a description of how information will be presented;

7. A brief description of overall project management including overall approach, levels of authority (include organization chart), lines of communication, project schedules, budget and personnel. Include a description of qualifications for personnel directing or performing the work;

8. A project schedule that specifies all significant steps in the process and when key documents (e.g., CMS Progress Reports, draft CMS Report) are to be submitted to the NMED; and

9. A detailed Public Involvement Plan.

5.25 CORRECTIVE MEASURES STUDY (CMS) REPORT

The detail of a CMS may vary based upon the complexity of the site, on-going Interim Measures, etc. However, the CMS Report may include the following elements:

5.25.1 Introduction/Purpose

The Permittee shall describe the purpose of the CMS Report and provide a summary description of the project.

5.25.1.a Description of Current Situation

The Permittee shall submit a summary and an update to the information describing the current situation at the Facility and the known nature and extent of the contamination as documented by the RCRA Facility Investigation (RFI) Report. This discussion should concentrate on those issues which could significantly affect the evaluation and selection of the corrective measures alternative(s). The Permittee shall provide an update to information presented in the RFI regarding previous response activities and interim measures which have been, or are being implemented at the Facility. The Permittee shall also make a facility specific statement of the purpose for the response, based on the results of the RFI. The statement of purpose should

identify the actual or potential exposure pathways that should be addressed by corrective measures.

5.25.2 Establishment of Proposed Media Specific Cleanup Standards

The Permittee shall describe the proposed media cleanup standards and point of compliance. The standards shall be either background, promulgated Federal and State standards or risk-derived standards. If media clean-up standards are not proposed, then NMED will unilaterally propose setting media clean-up standards to either background, promulgated Federal and State standards or the most conservative risk-derived standards.

5.25.3 Identification, Screening and Development of Corrective Measure Technologies

5.25.3.a Identification

List and briefly describe potentially applicable technologies for each affected media that may be used to achieve the corrective action objectives. The Permittee shall include a table that summarizes the available technologies.

The Permittee should consider innovative treatment technologies, especially in situations where there are a limited number of applicable corrective measure technologies.

Presumptive remedies may take the place of evaluating alternative remedies if the Permittee can demonstrate that the presumptive remedy selected has been proven successful in previous tests of the remedy within New Mexico or the United States.

5.25.3.b Screening

The Permittee shall screen the corrective measure technologies to eliminate those that may prove infeasible to implement, that rely on technologies unlikely to perform satisfactorily or reliably, or that do not achieve the corrective measure objective within a reasonable time period. This screening process focuses on eliminating those technologies, which have severe limitations for a given set of waste and site-specific conditions. The screening step may also eliminate technologies based on inherent technology limitations.

Site, waste, and technology characteristics which are used to screen inapplicable technologies are described in more detail below:

1. *Site Characteristics*: Site data should be reviewed to identify conditions that may limit or promote the use of certain technologies. Technologies clearly precluded by site characteristics should be eliminated from further consideration;

2. *Waste Characteristics*: Identification of waste characteristics that limit the effectiveness or feasibility of technologies is an important part of the screening process. Technologies clearly limited by these waste characteristics should be eliminated from consideration. Waste characteristics particularly affect the feasibility of in-situ methods, direct treatment methods, and land disposal (on/off-site);

3. *Technology Limitations*: During the screening process, the level of technology development, performance record, and inherent construction, operation, and maintenance problems should be identified for each technology considered. Technologies that are unreliable, perform poorly, or are not fully demonstrated may be eliminated in the screening process. For example, certain treatment methods have been developed to a point where they can be implemented in the field without extensive technology transfer or development.

5.25.3.c Corrective Measure Development

The Permittee shall assemble the technologies that pass the screening step into specific alternatives that have the potential to meet the corrective action objectives for each media. Each alternative may consist of an individual technology or a combination used in sequence (i.e., treatment train). Different alternatives may be considered for separate areas of the Facility, as appropriate. The Permittee shall list and briefly describe each corrective measure alternative.

5.25.4 Evaluation of a Final Corrective Measure Alternative

For each remedy which warrants a more detailed evaluation (i.e., those that passed through the screening step), including those situations where only one remedy is proposed, the Permittee shall provide detailed documentation of how the potential remedy will comply with each of the standards listed below. These standards reflect the major technical components of remedies including cleanup of releases, source control and management of wastes that are generated by remedial activities. The specific standards are as follows:

1. Protect human health and the environment;

2. Attain media cleanup standards set by NMED;

3. Control the source of releases so as to reduce or eliminate, to the extent practicable, further releases that may pose a threat to human health and the environment;

4. Comply with applicable standards for management of wastes;

5. Other factors.

In evaluating the selected alternative or alternatives, the Permittee shall prepare and submit information that documents that the specific remedy will meet the standards listed above. The following guidance should be used in completing this evaluation.

5.25.4.a Protect Human Health and the Environment

Corrective action remedies must be protective of human health and the environment. Remedies may include those measures that are needed to be protective, but are not directly related to media cleanup, source control or management of wastes. An example would be a requirement to provide alternative drinking water supplies in order to prevent exposures to releases from an aquifer used for drinking water purposes. Therefore, the Permittee shall provide a discussion of any short-term remedies necessary to meet this standard, as well as discuss how the corrective measures alternatives meet this standard.

5.25.4.b Attain Media Cleanup Standards

Remedies will be required to attain media cleanup standards. As part of the necessary information for satisfying this requirement, the Permittee shall address whether the potential remedy will achieve the remediation objectives. An estimate of the time frame necessary to achieve the goals shall be included. Contingent remedies may be proposed if there is doubt if the initial remedy will be successful (*e.g.*, contingent remedies to innovative technologies).

5.25.4.c Control of Sources of Releases

The Permittee shall address the issue of whether source control measures are necessary, and if so, the type of actions that would be appropriate. Any source control measure proposed should include a discussion on how well the method is anticipated to

work given the particular situation at the CSU, and the known track record of the specific technology.

5.25.4.d Comply With any Applicable Standards for Management of Wastes

The Permittee shall include a discussion of how the specific waste management activities will be conducted in compliance with all applicable State and Federal regulations (e.g., closure requirements, LDRs).

5.25.4.e Other Factors

There are five general factors that will be considered as appropriate by NMED in selecting/approving a remedy that meets the four standards listed above. These five decision factors include:

1. Long-term reliability and effectiveness;
2. Reduction in the toxicity, mobility or volume of wastes;
3. Short-term effectiveness;
4. Implementability; and
5. Cost.

Examples of the type of information to include are provided below:

a. *Long-term reliability and effectiveness*: The Permittee may consider whether the technology, or combination of technologies, have been used effectively under analogous site conditions, whether failure of any one technology in the alternative would have any immediate impact on receptors, and whether the alternative would have the flexibility to deal with uncontrollable changes at the site. Operation and maintenance requirements include the frequency and complexity of necessary operation and maintenance. In addition, each corrective measure alternative should be evaluated in terms of the projected useful life of the overall alternative and of its component technologies. Useful life is defined as the length of time the level of effectiveness can be maintained;

b. *Reduction in the toxicity, mobility or volume of wastes*: Remedies will be preferred that employ techniques that are capable of eliminating or substantially reducing the potential for the wastes in SWMUs and/or contaminated media at the Facility to cause future environmental releases. Estimates of how the corrective measure alternative will reduce toxicity, mobility and or volume of the waste is required and may be accomplished through a comparison based on reports, data, and environmental setting etc., of initial site conditions to expected post-corrective measures conditions.

c. *Short-term effectiveness*: The Permittee shall evaluate each corrective measure alternative for short-term effectiveness. Possible factors to consider are fire, explosion, exposure to hazardous constituents and potential threats associated with the treatment, excavation, transportation and re-disposal or containment of the waste material.

d. Information to consider when assessing implementability include:

   1. The administrative activities needed to implement the corrective measure alternative (e.g. permits, rights of way, etc.) and the length of time these activities will take;

   2. The constructibility, time for implementation, and time for beneficial results;

   3. The availability of adequate off-site treatment, storage capacity, disposal services, needed technical services and materials; and

   4. The availability of prospective technologies for each corrective measure alternative.

e. *Cost*: The Permittee shall develop an estimate of the cost of each corrective measure alternative (and for each phase or segment of the alternative). The cost estimate shall include both capital and operation and maintenance costs. The capital costs shall include, but are not limited to, costs for: engineering, site

preparation, construction, materials, labor, sampling/analysis, waste management/disposal, permitting, health and safety measures, etc. The operation and maintenance costs shall include labor, training, sampling and analysis, maintenance materials, utilities, waste disposal and/or treatment, etc. Costs shall be calculated as the net present value of the capital, and operation and maintenance costs.

5.25.5 Justification and Recommendation of the Corrective Measure or Measures

The Permittee shall justify and recommend in the CMS Report a corrective measure alternative for consideration by NMED. Such a recommendation should include a description and supporting rationale for the preferred alternative that is consistent with the corrective action standards and remedy selection decision factors discussed above. In addition, this recommendation shall include summary tables, which allow the alternative or alternatives to be understood easily. Trade-offs among health risks, environmental effects, and other pertinent factors shall be highlighted. The Secretary will select the corrective measure alternative or alternatives to be implemented based on the results presented in the CMS Report.

APPENDIX 5-D

SCHEDULE OF COMPLIANCE

Schedule of Compliance	Due Date
Notification of Newly Identified SWMUs and AOCs *Permit Condition 5.3.1. and* *Permit Condition 5.3.2.*	Within 15 calendar days of discovery
SWMU Assessment Report *Permit Condition 5.3.3.*	Within 90 calendar days of notification
Notification for Newly Discovered Releases at Previously Identified SWMUs and AOCs *Permit Condition 5.4.1.*	Within 15 calendar days of discovery
Confirmatory Sampling Work Plan for SWMUs or AOCs identified in Appendix 5-A *Permit Condition 5.5.1*	Within 45 calendar days after effective date of permit
Confirmatory Sampling Work Plan for SWMUs and AOCs identified under *Permit Condition 5.3.1.* *Permit Condition 5.5.1*	Within 45 calendar days of notification by the Secretary
Confirmatory Sampling Report *Permit Condition 5.5.4.*	In accordance with the approved CS Work Plan
RFI Work Plan for SWMU(s) and AOC(s) identified under Permit Condition 5.2.1. *Permit Condition 5.6.1.a.*	Within 90 calendar days from effective date of permit.

RFI Work Plan for SWMU(s) and AOC(s) Identified under *Permit Condition 5.3.3.*, *Permit Condition 5.4.2.*, or *Permit Condition 5.5.5.* *Permit Condition 5.6.1.a.*	Within 90 calendar days after receipt of notification by the Secretary which SWMUs or AOCs require an RFI.
Draft RFI Report *Permit Condition 5.6.3.a.*	In accordance with the approved RFI Work Plan
Final RFI Report *Permit Condition 5.6.3.b.*	Within 30 calendar days after receipt of the Secretary's final comments on Draft RFI Report.
RFI Progress Reports *Permit Condition 5.6.3.d.*	Quarterly, beginning 90 calendar days from the start date specified by the Secretary*
Interim Measures Work Plan *Permit Condition 5.7.1.a.*	Within 30 calendar days of notification by the Secretary
Interim Measures Progress Reports *Permit Condition 5.7.3.a.*	In accordance with the approved Interim Measures Work Plan ** or semi-annually for Permittee initiated IM
Interim Measures Report *Permit Condition 5.7.3.b.*	Within 90 calendar days of completion
CMS Work Plan *Permit Condition 5.8.1.a.*	Within 90 calendar days of notification by the Secretary that a CMS is required

Implementation of CMS Work Plan *Permit Condition 5.8.2.*	Within 15 calendar days after receipt of the Secretary's approval of Plan
Draft CMS Report *Permit Condition 5.8.3.a.*	In accordance with the schedule in the approved CMS Work Plan
Final CMS Report *Permit Condition 5.8.3.a.*	Within 30 calendar days of the Secretary's final comments on Draft CMS Report
Demonstration of Financial Assurance *Permit Condition 5.10*	Within 120 calendar days after permit modification for remedy
Noncompliance/Imminent Hazard Report *Permit Condition 1.6.10.d.*	Oral within 24 hours and written within 15 calendar days of becoming aware of the hazardous circumstances
Complete installation of emission control technology for units identified under *Permit Condition 7.1.*	By "Installation Due Date" under Permit Condition 7.1.
Written report of noncompliance of tanks, surface impoundments or Containers with 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1) or (c)(2)). *Permit Conditions 7.3 and 7.4.*	Within 15 calendar days of becoming aware of noncompliance
Written report of noncompliance of tanks with 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(c)(1) or (c)(2)) *Permit Condition 7.4.*	Within 15 calendar days of becoming aware of noncompliance

Semi-Annual Report for Use of Control Devices 20.4.1.500 NMAC (incorporating 40 CFR 264.1090(c))- if applicable.	Semi-annually, beginning 6 months from the effective date of the permit*

The above reports must be signed and certified in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.11).

* This applies to Work Plan execution that requires more than 180 calendar days

** This applies to Work Plan execution that requires more than one year.

APPENDIX 5-E
ACTION LEVELS AND RISK ASSESSMENT

5.26 DEFINITION

Action levels are conservative health-based concentrations of hazardous constituents determined to be indicators for the protection of human health or the environment. Action levels shall be set for all hazardous constituents, a subset of hazardous wastes, identified in the RFI Report or for those hazardous constituents which the Secretary has reason to believe may have been released from a SWMU or AOC at the Facility. Should the concentration of a hazardous constituent(s) in an aquifer, surface water, soils, or air exceed its action level for any environmental medium, the Secretary may require the Permittee to conduct a CMS to meet the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.101). If the Secretary determines that a constituent(s) released from a SWMU or AOC in quantities below its respective action level(s) may pose a threat to human health or the environment, given site-specific exposure Permit Conditions, cumulative effects, ecological concerns, etc., then the Secretary has the authority to require a CMS to meet the requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.101).

5.26.1 Action levels

Action Levels shall be concentration levels that:

1. Are derived in a manner consistent with NMED guidelines for assessing human and environmental health risks from hazardous constituents;

2. Are based on scientifically valid studies conducted in accordance with the Toxic Substances Control Act (TSCA) Good Laboratory Practice Standards, or equivalent approved studies;

3. For human health action levels to address carcinogens, represents a concentration associated with an excess upper bound lifetime cancer risk of 1×10^{-5} for carcinogens due to continuous constant lifetime exposure; and

4. For human health action levels to address systemic toxicants, represents a concentration to which the human population (including sensitive subgroups) could be exposed on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime.

For constituent(s) detected in groundwater, air, surface water, or soils, for which a concentration level that meets the criteria specified in Section 5.20.1 of this Appendix is not available or possible, the action level shall be the background concentration of the constituent(s).

5.27 GROUNDWATER

Action levels for constituents in groundwater shall be concentrations specified as:

1. Maximum Contaminant Level (MCL) defined as the maximum permissible level of a contaminant in water which is delivered to any user of a public water system;

2. 20.6.2 NMAC New Mexico Water Quality Control Commission Regulations; or

3. For constituents for which MCLs have not been promulgated, a concentration which satisfies the criteria specified in Section 5.20.1 of this Appendix shall be calculated.

In deriving human health action levels for constituents for which MCLs have not been promulgated, the recommended equations/assumptions shall be those in NMED recommended guidance documents. Because the science of risk assessment is in flux and current technical criteria/opinion may change, the Secretary reserves that right to revise the above recommended guidance as needed to meet the criteria listed in Section 5.20.1.

5.28 SURFACE WATER

Action levels for constituents in surface water shall be concentrations specified as:

1. Water Quality Standards established pursuant to the New Mexico Water Quality Control Commission (WQCC), where such standards are expressed as numeric values; or

2. MCLs for constituents in surface water designated by the WQCC for drinking water supply, where numeric values or numeric interpretations, described in paragraph 1 is not available; or

3. For constituents in surface waters designated by the WQCC for drinking water supply for which numeric values, numeric interpretations, or MCLs are not available, a concentration which meets the criteria specified in Section 5.20.1 of this Appendix shall be

calculated assuming exposure through consumption of the water contaminated with the constituent; or

4. For constituents in surface waters designated for use or uses other than drinking water supply and for which numeric values or numeric interpretations have not been established, a concentration shall be established by using the NMED recommended guidance.

In deriving human health action levels for constituents in surface water, the recommended equations/assumptions shall be those developed by NMED in *Assessing Human Health Risks Posed by Chemicals: Screening-level Risk Assessment, August 27, 1999* (or the most recent edition). Because the science of risk assessment is in flux and current technical criteria/opinion may change, the Secretary reserves the right to revise the above recommended equations/assumptions as needed to meet the criteria listed in Section 5.20.1.

5.29 SOILS

Action levels for constituents in soils shall be concentrations which meet the criteria specified in section 5.22.1 of this Appendix.

The calculation of human health action levels for soil includes several specific exposure routes which must be evaluated individually: (1) ingestion; (2) inhalation; and (3) leachability to groundwater. In deriving action levels to address ingestion, inhalation and leaching, the methodology/assumptions found in the most recent Soil Screening Level in the NMED revised guidance such as *Assessing Human Health Risks Posed by Chemicals: Screening-level Risk Assessment, August 27, 1999* (or the most recent edition), should be reviewed for appropriate equations and assumptions. Because the science of risk assessment is in flux and current technical criteria/opinion may change, the Secretary reserves the right to revise the above recommended equations/assumptions as needed to meet the criteria listed in Section 5.20.1.

5.30 SEDIMENT

Action levels for constituents in sediment shall be based on whether human health or ecological health is the major concern. If ecological concerns are deemed to predominate, then action levels for constituents in sediment shall be concentrations based on the latest sediment screening values as calculated by following the HWB/NMED recommended guidance for *Assessing Ecological Risks Posed by Chemicals: Screening-Level Ecological Risk Assessment* (or the most recent edition). Because the

science of risk assessment is in flux and current technical criteria/opinion may change, the Secretary reserves the right to revise the above recommended equations/assumptions as needed to meet the criteria listed in Section 5.19.1.

If an ecological sediment screening value for a constituent of concern has not been generated by NMED and cannot be generated using the criteria in Section 5.19.1, then the ecological action level for sediment shall be the background level of the constituent. If human health is the prevailing concern, then the human health action level for sediment shall address all applicable exposures.

5.31 CALCULATION OF ACTION LEVELS

The Permittee shall adhere to RFI guidance in the calculation of action levels for all the environmental media specified in this Module. The Permittee shall ensure that action level calculations account for the potential of exposure to multiple contaminants and through multiple routes. These action levels shall be updated as new toxicity data and promulgated standards (e.g., maximum contaminant levels) are derived. The most recent reference doses, reference concentrations, and cancer slope factors (e.g., data found in EPA's Integrated Risk Information System) shall be used in the calculation of action levels. The toxicity data available at the time that a determination for further action is made (i.e., requirement to conduct a CMS), including interim measures, shall be used in the calculations. If used as final cleanup levels, action levels shall be calculated using the most recent toxicity data and promulgated standards existing at the time of implementation of corrective measures.

5.32 RISK ASSESSMENTS

5.32.1 Performance of Risk Assessments

The Permittee shall conduct human health and ecological risk assessments to determine risks to human health and the environment. These risk assessments shall be used to establish baseline risk at a site and/or to derive interim or final cleanup levels at the site. These risk assessments, if necessary, shall be performed concurrently with the corrective action activities specified in this Module, including any activities undertaken during implementation of the activities proposed in the RFI Work Plan. These risk assessments may also be performed concurrently with the RFI Report and Summary and the CMS Phase of this Module, but only after the Permittee has determined the full vertical and horizontal nature, rate, and extent of contamination at each respective SWMU.

5.32.2 Applicable Guidance Documents and Publications

The Permittee shall use final versions of the following guidance documents and publications, including any subsequent revisions, in the performance of the required risk assessments:

Assessing Human health Risks Posed by Chemicals: Screening-Level Risk Assessment; and

Guidance for Assessing Ecological Risks Posed by Chemicals: Screening-Level Ecological Risk Assessment, and *Compendium of ORD and OSWER Documents Relevant to RCRA.*

5.32.3 Baseline Risk Assessments

Baseline human health and ecological risk assessments shall be used to evaluate the risks posed by contaminants at a site prior to the beginning of any corrective actions in order to determine the need for remedial action.

Although action levels should be sufficiently protective of human health and the environment, they may be inappropriate under certain circumstances. Such exceptions will apply, but not be limited to the following circumstances. In cases where there are confirmed releases to ground water, surface water, air, or sediments, a baseline risk assessment shall be required to determine the need for stabilization/interim measures, especially where health advisories have been issued by NMED. In addition, action levels may be inappropriate at a site where leaching from contaminated soils into ground water poses greater risk than ingestion of the soils or where food-chain transfer of contaminants may be of human health concern.

If an action level has been exceeded, for any environmental media of concern, at any time during the corrective action activities required by this Part, the Permittee may be required to conduct a risk assessment to determine risks to human health and the environment and the necessity to perform interim measures. Risk assessments to determine final cleanup levels or to be used in justifying no further action determinations shall be conducted only after the Permittee has determined the full vertical and horizontal nature, rate, and extent of contamination for each SWMU or AOC or groups of SWMUs or AOCs at the Facility.

5.32.4 Risk Assessments for Deriving Cleanup Levels

Risk assessments, if required by the Secretary, may also be used to establish interim cleanup levels, in addition to the final cleanup level. Risk assessments may be required as specified in this Part. Where selected remedies cannot meet acceptable risk

levels or action levels (if action levels are chosen as final cleanup levels), a risk assessment may also be required.

The Secretary will review risk assessments as part of the CMS Phase of the corrective action activities specified in this Module in deriving final cleanup levels, but only after the Permittee has determined the full vertical and horizontal nature, rate, and extent of contamination from each SWMU or AOC or groups of SWMUs or AOCs specified pursuant to this Part.

5.33 DETEMINATION OF NO FURTHER ACTION (NFA)

The Permittee may submit a risk assessment(s) justifying no further action at a SWMU(s) or AOC(s) concurrently with submittal of the RFI Report and Summary specified in Permit Condition 5.6.3, only if the Permittee has determined the full vertical and horizontal nature, rate, and extent of contamination for each SWMU or AOC or group of SWMUs or AOCs specified in this Part. Based upon the results of the RFI and other relevant information, the Permittee may submit an application to the Secretary for a Class 3 permit modification in accordance with 20.4.1.900 NMAC (incorporating 40 CFR 270.42(c)) to remove SWMU(s) or AOC(s) from Table A.1 and transfer them to Table A.2 of this Permit.

Any Class 3 permit modification application shall contain information demonstrating that there are no releases of hazardous wastes including hazardous constituents from the SWMU(s) or AOC(s) that pose a threat to human health and the environment, as well as information required by 20.4.1.900 NMAC (incorporating 40 CFR 270.13 through 40 CFR 270.21, 40 CFR 270.62), and 20.4.1.500 NMAC (incorporating 40 CFR 260.63).

If, after review of the Permittee’s request for a permit modification, the results of the RFI and other information including comments received during the 60 day public comment period required for Class 3 permit modifications, NMED determines that releases or suspected releases which were investigated are non-existent, do not pose a threat to human health and the environment, or were removed or adequately treated to acceptable risk levels during an ICM, NMED will grant the requested permit modification.

5.34 SITES RECOMMENDED FOR NFA

Sites recommended for NFA shall meet one of the following criteria. Satisfaction of the criteria will be determined by NMED.

5.34.1 NFA Criterion I

The SWMU or AOC cannot be located, does not exist, or is a duplicate SWMU or AOC.

5.34.2 NFA Criterion II

The SWMU or AOC has never been used for the management (i.e. generation, treatment, storage, and/or disposal) of RCRA solid waste or hazardous wastes and/or constituents or other CERCLA hazardous substances.

5.34.3 NFA Criterion III

No release from the environment has occurred or is likely to occur in the future from the SWMU or AOC.

5.34.4 NFA Criterion IV

A release from the SWMU or AOC to the environment has occurred, but the SWMU or AOC was characterized and/or remediated under other authority such as NMED's Petroleum Storage Tank or Groundwater Bureaus, which adequately addressed RCRA corrective action, and documentation, such as a closure letter, is available.

5.34.5 NFA Criterion V

The SWMU or AOC has been characterized or remediated in accordance with the current applicable State and Federal regulations, and the available data indicate that contaminants pose an acceptable level of risk under current and projected future land use.

5.35 NFA NOT PRECLUDING MONITORING OR FURTHER INVESTIGATIONS

5.35.1 Monitoring

A determination of no further action shall not preclude the Secretary from requiring continued or periodic monitoring of air, soil, groundwater, or surface water, when site-specific circumstances indicate that release of hazardous wastes, including hazardous constituents are likely to occur, if necessary to protect human health and the environment.

5.35.2 Further Investigations

A determination of no further action shall not preclude the Secretary from requiring further investigations, studies, or

remediation at a later date, if new information or subsequent analysis indicates a release or likelihood of a release from the SWMU(s) or AOC(s) that is likely to pose a threat to human health or the environment. In such a case, the Secretary shall initiate either a modification to this Appendix according to procedures in Section 5.34 of this Appendix, or a major permit modification according to 20.4.1.900 NMAC (incorporating 20 CFR 270.41), to rescind the determination made in accordance with Permit Condition 5.34 of this Appendix.

PART 6

40 CFR 264 SUBPART BB REQUIREMENTS

6.1 APPLICABILITY

1. 20.4.1.500 NMAC (incorporating 40 CFR 264 Subpart BB) applies to equipment, identified in the Facility Operating Permit previously issued by NMED, that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight, except as provided for in 20.4.1.500 NMAC (incorporating 40 CFR 264.1 and 264.1064(k)).

2. The conditions of this Part apply to the equipment identified in the *Equipment Inventory and Master List* located in Permit Attachment 5, *Inspection Plan and Schedule*, and Attachment 6, *Preparedness and Prevention*, which is required under 40 CFR 264 Subpart BB to be monitored and/or inspected.

3. The requirements of 40 CFR 264 Subpart BB shall be incorporated into this Permit in accordance with the requirements of 40 CFR 124.15, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1050(c)).

4. The Permittee shall mark each piece of equipment to which 40 CFR 264 Subpart BB applies, in such a manner that it can be readily distinguished from other pieces of equipment in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1050(d)).

6.2 GENERAL STANDARDS

The Permittee shall comply with the applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart BB).

6.3 SUBPART BB STANDARDS

6.3.1 Open Ended Valves or Lines

Each open ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1056(a)(1)).

6.3.2 Pumps, Flanges, and Valves in Heavy Liquid Service

Pumps, flanges, and valves, and other connectors in heavy liquid service shall be monitored within 5 calendar days by the method specified in 40 CFR 264.1063(b) if evidence of a potential leak is found by any detection method pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1058(a)).

If an instrument reading of 10,000 parts per million (ppm) or greater is measured, a leak is detected pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1058(b)).

If a leak is detected, the Permittee shall repair it as soon as possible, but not later than 15 calendar days after it has been detected except as provided in 40 CFR 264.1059, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1058(c)).

6.3.3 Delay of Repair

Delay of repair of equipment for which leaks have been detected shall be permitted only in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1059).

6.3.4 Test Methods and Procedures

The Permittee shall comply with the test procedures requirements provided in 20.4.1.500 NMAC (incorporating 40 CFR 264.1063(a), (b), (d), and (e)).

Leak detection monitoring as required in 40 CFR 264.1058 shall comply with the following requirements:

1. Shall comply with Reference Method 21 in 40 CFR 60;

2. The detection instrument shall meet the performance criteria of Method 21 in 40 CFR 60;

3. The instrument shall be calibrated before use on each day of its use by the procedures specified in Reference Method 21 in 40 CFR 60;

4. Calibration gases shall be;

    a. Zero air (less than 10 ppm of hydrocarbon in air);

    b. A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane;

c. The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21 in 40 CFR 60.

In accordance with the Waste Analysis Plan contained in Permit Attachment 3, the Permittee shall determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 1063(d) and (e)).

6.4 RECORDKEEPING REQUIREMENTS

6.4.1 Subpart BB Equipment

The Permittee shall record the following information in the Facility Operating Record for each piece of equipment to which 40 CFR 264 Subpart BB applies, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(b)(1));

1. Equipment identification number and hazardous waste management unit identification;

2. Approximate locations within the Facility;

3. Type of equipment;

4. Percent-by-weight total organics in the hazardous waste stream at the equipment;

5. Hazardous waste state at the equipment;

6. Method of compliance with the standard.

6.4.2 Leak Detection

In accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(c), when a leak is detected as specified in 40 CFR 264.1058, the following requirements shall apply;

1. A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with 40 CFR 264.1058(a), and the date the leak was detected, shall be attached to the leaking equipment;

2. The identification on equipment, except on a valve, may be removed after it has been repaired.

6.4.3 Inspection Log Entries for Leak Detection

When each leak is detected as specified in 40 CFR 264.1058, the following information shall be recorded in the inspection log and shall be kept in the Facility Operating Record pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(d) and 40 CFR 264.1064(g));

1. The instrument and operator identification numbers, and the equipment identification numbers (except welded fittings);

2. The date of evidence of a potential leak was found in accordance with 40 CFR 264.1058(a);

3. The date the leak was detected and the dates of each attempt to repair the leak;

4. Repair methods applied in each attempt to repair the leak;

5. "Above 10,000" if the maximum instrument reading measured by the methods specified in 40 CFR 264.1063 (b) after each repair attempt is equal to or greater than 10,000 ppm;

6. "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak;

7. Documentation supporting the delay of repair of a valve in compliance with 40 CFR 264.1059(c);

8. The signature of the Permittee, or designee, whose decision it was that repair could not be effected without a hazardous waste management unit shutdown;

9. The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days;

10. The date of successful repair of the leak.

Records of equipment leak information required to be kept by 40 CFR 264.1064(d) shall be kept for a minimum of 3 years pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1064(l)).

6.5 REPORTING REQUIREMENTS

6.5.1 Semi-Annual Reporting

A semi-annual report shall be submitted by the Permittee, subject to the requirements of 40 CFR 264 Subpart BB, to the Secretary in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1065(a)), and shall contain the following information;

1. The EPA identification number, name, and address of the Facility;

2. Dates of hazardous waste management unit shutdowns that occurred with the semi-annual reporting period.

The semi-annual reports shall be submitted to the New Mexico Environment Department on January 2nd and July 1st of each year.

PART 7

CONTAINER AND TANK SUBPART CC ORGANIC AIR EMISSIONS REQUIREMENTS

7.1 APPLICABILITY

20.4.1.500 NMAC (incorporating 40 CFR 264 Subpart CC) applies to all tanks and containers identified in this Permit and the Facility Operating Permit previously issued by NMED, except as provided for in 20.4.1.500 NMAC (incorporating 40 CFR 264.1 and 264.1080(b)).

The conditions of this Part apply to the hazardous waste management units identified in Table 7.1 below, and as described in Permit Attachment 1, *Description and Design and Operation of the Facility*, and Permit Attachment 11, *Corrective Action Units*, for which required control equipment has been installed and is operational, or are exempt from Subpart CC standards under 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)).

Table 7.1. Hazardous Waste Management Units for Which Subpart CC Emissions Controls are Installed

Hazardous Waste Management Unit **Type Designation/ Identification Number**	**Hazardous Waste Management Unit** **Type**	**Description of Air Emission Control System**
Containers located in the Container Storage Units, where all chemicals are stored, including the Return and Fill Station.	**Container Type A:** These are containers with design capacity greater than 0.1 m^3 and less than 0.46 m^3, (about 126 gal).	Container Level 1 Controls per 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)) - equipped with cover and closure devices which form a continuous barrier over container openings. These containers may also be controlled using Level 1 controls using applicable DOT regulations or using Level 1 Controls for open-top containers in which an organic vapor suppressing barrier is placed on the hazardous waste. Type A containers also have an average volatile organic concentration at the point of origination equal to or greater than 500 ppmw.

Table 7.1. Hazardous Waste Management Units for Which Subpart CC Emissions Controls are Installed

Hazardous Waste Management Unit Type Designation/ Identification Number	Hazardous Waste Management Unit Type	Description of Air Emission Control System
	Container Type B: These are containers with design capacity greater than 0.46 m^3 that are not in light material service.	Container Level 1 Controls per 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)) - equipped with cover and closure devices which form a continuous barrier over container openings.
	Container Type C: Containers with design capacity greater than 0.46 m^3 that are in light material service.	Container Level 2 controls per 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(d)) - demonstrated to be vapor tight using 40 CFR Part 60, Appendix A, Method 27: If the generator or transporter does not provide appropriate documentation to demonstrate compliance via testing for organic vapor tightness, Level 2 controls operated with no detectable emissions as defined in 20.4.1.600 NMAC (incorporating 40 CFR 265.1081) shall be used.

Table 7.2. Hazardous Waste Management Units for Which Subpart CC Emissions Controls are Installed

Hazardous Waste Management Unit Type Designation/ Identification Number	Hazardous Waste Management Unit Type	Description of Air Emission Control System
12,000 – gallon spent solvent underground storage tank located adjacent to the Flammable Storage Building at the east end of the Facility.	**Tank Level 1 Controls:** These are tanks with a design capacity less than 75 m^3 with a maximum organic vapor pressure less than 76.6 kPa.	Tank Level 1 Controls per 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(c)(2)) – The fixed roof may be an integral part of the tank structural design (e.g. a horizontal tank equipped with a hatch) designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. Each closure device shall be closed whenever hazardous waste is in the tank.

7.2 GENERAL STANDARDS

The Permittee shall comply with the applicable requirements of 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart CC).

7.3 SUBPART CC STANDARDS FOR CONTAINERS IN TABLE 7.1

1. A container using Container Level 1 standards shall be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain equipment integrity, for as long as the container is in service and as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(2));

2. The Permittee shall not store open top containers unless all requirements of 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(1)(iii)) are met;

3. Whenever a hazardous waste is in a container using Container Level 1 controls, the Permittee shall install

all covers and closure devices for the container and maintain each closure device in the closed positions except as allowed in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(3)(i) through 40 CFR 264.1086(c)(3)(v)).

7.3.1 Inspection of Level 1 and Types A and B Containers

The Permittee shall visually inspect all Level 1 and Types A and B containers for defects at the time the Permittee accepts the container at the Facility and when the Permittee accepts a container with hazardous wastes already in the container and the container is not emptied within 24 hours after the container is accepted at the Facility and in accordance with the Subpart CC Visual Inspection Checklist contained in Permit Attachment 5, *Inspection Plan and Schedule*, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 1086(c)(4)(i)).

1. If a container remains at the Facility for one (1) calendar year or more, it shall be visually inspected for defects at least once every 12 months in addition to the weekly container inspection schedule presented in Permit Attachment 5, *Inspection Plan and Schedule*, pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(4)(ii));

2. When a defect is detected for the container, cover, or closure device(s), the Permittee shall make efforts to repair the defect within 24 hours of detection and repair shall be completed within 5 calendar days after detection. If the defect cannot be repaired, the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(4)(iii));

3. The Permittee shall visually inspect all Type B containers in accordance with Permit Condition 7.3.1 above as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(4)(i) through 40 CFR 264.1086(c)(4)(iii)).

7.3.2 Inspection of Level 2 or Type C Containers

The Permittee shall visually inspect all Level 2 and Type C containers and cover devices for defects at the time the container is first used to manage and store hazardous waste or the first time hazardous waste is accepted at the Facility and in accordance with the Subpart CC Visual Inspection Checklist

contained in Permit Attachment 5, *Inspection Plan and Schedule*. If a container remains at the Facility for 1 calendar year or more, it shall be visually inspected for defects at least once every 12 months in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(d)(4)(i) through 40 CFR 264.1086(d)(4)(iii)).

7.4 SUBPART CC STANDARDS FOR TANKS IN TABLE 7.1.

1. The Permittee shall record the spent solvent underground storage tank identification number pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(b)(1));

2. The Permittee shall operate and control air pollutant emissions from the 12,000-gallon spent solvent underground storage tank and the drum washer/dumpster using Tank Level 1 controls in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(c));

3. Whenever hazardous waste is in the spent solvent underground storage tank and/or the drum washer/dumpster, fixed roofs/hatches shall be installed with each closure device secured in the closed position except to provide access during routine inspections, maintenance, or other activities needed for normal operations, and to remove accumulated sludge or other residues from the bottom of the spent solvent underground storage tank pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(c)(3)(i));

4. Opening of a conservation vent or similar pressure relief device is allowed during normal operations in order to maintain the 12,000-gallon spent solvent underground storage tank, and drum washer/dumpster internal pressures in accordance with the tank design specifications, and shall be designed to operate with no detectable organic emissions when the vent is in the closed position in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(c)(3)(ii));

5. The procedure for determining no detectable organic air emissions shall be conducted in accordance with the procedures specified in 40 CFR 265.1084(d) as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1083(d)).

7.4.1 Determination of Maximum Organic Vapor Pressure

The Permittee shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in 40 CFR

264.1084(c), and as described in Permit Attachment 3, *Waste Analysis Plan*, as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1083(c)(1)).

The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 40 CFR 265.1084(c)(2) through (c)(4) pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1083(c)(2)).

7.4.2 Inspection of Level 1 Tanks

Subpart CC inspections shall be in accordance with the following requirements and the Subpart CC Visual Inspection Checklist contained in Permit Attachment 5, *Inspection Plan and Schedule*.

1. The Permittee shall visually inspect the drum washer/dumpster fixed roof and the associated closure devices for defects that could result in air pollutant emissions as required by 20.4.1.500 NMAC (incorporating 40 CFR 1084(c)(4)(i));

2. The Permittee shall visually inspect the 12,000-gallon spent solvent underground storage tank and the associated closure devices for defects that could result in air pollutant emissions as required by 20.4.1.500 NMAC (incorporating 40 CFR 1084(c)(4)(i));

3. In accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(c)(4)(ii), the Permittee shall inspect the fixed roof and it's closure devices at least once per year except as provided in 20.4.1.500 NMAC (incorporating 40 CFR 1084(l)). The fixed roof is referenced in 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(c)(2)(i);

4. The Permittee shall maintain a record of all tank inspections conducted pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 1084(c)(4)(iv)) as specified in the inspection schedule, presented in Permit Attachment 5, *Inspection Plan and Schedule*, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(b)); and

5. This inspection record shall contain the date of inspection, and if a defect is detected, the location of the defect, description of the defect, the date of detection, and any corrective action taken to repair the defect as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(b)(1)).

7.5 REPAIR OF LEVELS 1 AND 2 (I.E., TYPES A, B, AND C) CONTAINERS

7.5.1 Level 1 Containers

If a defect is detected in a container using Level 1 standards in accordance with Permit Condition 7.3.1, the Permittee shall repair the defect as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(c)(4)(iii)).

7.5.2 Level 2 Containers

If a defect is detected in a container using standards in accordance with Permit Condition 7.3.1, the Permittee shall repair the defect as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1086(d)(4)(iii)).

7.6 REPAIR OF LEVEL 1 TANKS

7.6.1 Level 1 Tanks

1. If a defect is detected, the Permittee shall repair the defect in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 1084(k)), as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(c)(4)(iii));

2. The Permittee shall make first efforts to repair the defect no later than 5 calendar days after detection and repair shall be completed as soon as possible but no later than 45 calendar days after detection pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(k)(1));

3. The repair of a defect may be delayed beyond 45 calendar days if the Permittee determines that repair of the defect requires emptying or temporary removal from service and no alternative tank capacity is available in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1084(k)(2)).

7.7 REPORTING REQUIREMENTS

For each container or tank, exempted from using air emission controls, a written report shall be submitted to the Secretary within 15 calendar days of each occasion where hazardous waste is placed in the waste management unit in noncompliance with the conditions of 20.4.1.500 NMAC (incorporating 40 CFR 264.1082(c)(1) or (c)(2), as applicable. The written report shall contain the Facilities' EPA identification number, Facility name

and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance.

For each tank using air emission controls in accordance with 40 CFR 264.1084(c), the Permittee shall report to the Secretary each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in 40 CFR 264.1084(b). The Permittee shall submit a written report within 15 calendar days of the time the Permittee becomes aware of the occurrence. The written report shall contain the Facilities' EPA identification number, Facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance as required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1090(b)).

All reports shall be signed and dated by an authorized representative of the Permittee as required by 20.4.1.900 NMAC (incorporating 40 CFR 270.11(b)).

7.8 INSPECTION AND MONITORING REQUIREMENTS

The Permittee shall inspect and monitor air emission control equipment used to comply with Subpart CC in accordance with applicable requirements specified in 40 CFR 264.1084 through 40 CFR 1087 pursuant to 20.4.1.500 NMAC (incorporating 40 CFR 264.1088(a)).

The Permittee shall develop and implement a written plan and schedule to perform the inspections and monitoring specified in this Permit Module, and shall incorporate this plan and schedule into the Facility inspection plan required under 40 CFR 264.15, contained in Permit Attachment 5, *Inspection Plan and Schedule*, in accordance with 20.4.1.500 NMAC (incorporating 40 CFR 264.1088(b)).

7.9 RECORDKEEPING REQUIRMENTS

The Permittee shall record and maintain the information specified in 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(b) through 40 CFR 264.1089(j)), as applicable to the Facility.

Except for air emission control equipment design documentation required by 20.4.1.500 NMAC (incorporating 40 CFR 264.1089(i) and (j)), records required by 40 CFR 264.1089 shall be maintained in the operating record for a minimum of 3 years.

7.10 NOTIFICATION OF NEW UNITS

Prior to installing container or miscellaneous units subject to 20.4.1.500 NMAC (incorporating 40 CFR Part 264, Subpart CC), or modifying an existing process, waste handling, or container units such that the unit(s) will become subject to 20.4.1.500 NMAC (incorporating 40 CFR Part 264 Subpart CC), the Permittee shall apply for a permit modification under 20.4.1.900 NMAC (incorporating 40 CFR 270.42), and provide specific Part B application information required under 20.4.1.900 NMAC (incorporating 40 CFR 270.14 through 40 CFR 270.17 and 40 CFR 270.27), as applicable, with the modification request.

7.11 COMPLIANCE SCHEDULE

The Permittee shall comply with the requirements of the compliance schedule contained in Permit Part 5, Appendix 5-D, *Schedule of Compliance*.